

struct, maintain and operate such docks, dry docks, marine railways, wharves and other appurtenances as may be necessary for the accomplishment of such purpose.

Sec. 2. The fact that the general corporation laws of this State do not permit of the creation of the corporations for the purpose of constructing boats, ships and vessels, and the repair of same, and the fact that there is now an immediate necessity for the repair and construction of many vessels of all types, to care for the trade and commerce of this country, and the fact that the calendar is crowded and the end of this session of the Legislature is near, create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read upon three several days be suspended, and the same is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

FIFTY-SIXTH DAY.

Senate Chamber.

Austin, Texas,

Tuesday, March 20, 1917.

The Senate met at 5:40 o'clock p. m. pursuant to adjournment, and was called to order by Lieutenant Governor W. P. Hobby.

The roll was called, a quorum being present, the following Senators answering to their names:

Bailey.	Johnston of Harris.
Bee.	King.
Buchanan of Bell.	Lattimore.
Buchanan of Scurry.	McCollum.
Caldwell.	McNealus.
Clark.	Page.
Dayton.	Parr.
Dean.	Robbins.
Hall.	Smith.
Harley.	Strickland.
Henderson.	Suiter.
Hopkins.	Westbrook.
Hudspeth.	Woodward.
Johnson of Hall.	

Absent.

Alderdice.	Floyd.
Decherd.	Gibson.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dis-

pensed with on motion of Senator Hudspeth.

Message From the House.

Hall of the House of Representatives.
Austin, Texas, March 20, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has adopted Senate Concurrent Resolution No. 28, suspending a part of Joint Rule No. 11.

Respectfully,

BOB BARKER.

Chief Clerk, House of Representatives.

(Senator Page in the Chair.)

House Bill No. 227.

The Chair was in the act of laying before the Senate on third reading House Bill No. 227, and Senator King made the point of order that under the terms of the Constitution of this State a bill must be read on three several days, and that this bill having been read and passed to its third reading on this day, Tuesday, March 20, it cannot be considered again and passed finally today, March 20, unless the constitutional rule is suspended by a vote of two-thirds of the members of the Senate present.

The Chair overruled the point of order.

Senator Dean made the point of order that the morning call had not been concluded and that no bill could be considered during the morning call except on House bill days.

Senator Hudspeth moved that the morning call be dispensed with and the motion prevailed.

The Chair laid before the Senate on third reading:

H. B. No. 227, A bill to be entitled "An Act to amend Chapter 83 of the General Laws of the Regular Session of the Thirty-second Legislature, said Chapter 83 being known and published as an act to amend Section 2 of Chapter 42 of the General Laws of the Thirtieth Legislature relating to exemptions from the operation of what is known as the 'Anti-Pass Law,' so as to include among said exemptions the Fire Marshal of the State Fire Insurance Commission and those acting for him while actually

engaged in fire prevention work and all city fire marshals while traveling to and from their State and district conventions."

Senator Bailey moved the previous question on the final passage of the bill, which, being duly seconded, the main question was ordered.

Action recurred on the final passage of House Bill No. 227 and the same was laid before the Senate, read third time and, on motion of Senator Bailey, was passed finally without a roll call.

Reasons for Vote.

I voted "no" against House Bill No. 227, the free pass bill, because, in my opinion, this is a special privilege and class legislation. I can see no good reason why public officials should be given passes while other citizens who do not hold office have to pay their fare.

STRICKLAND.

We voted "no" on House Bill No. 227 because we do not believe we have the right to do indirectly that which we cannot do directly, and the enactment of this bill into law will raise the compensation of members of the Legislature and be for their direct benefit while they are members. While the principle of the bill is wrong, under no circumstances ought it to have been passed without a provision postponing its operation until the expiration of the term of every member of the present Senate.

BEE.

SUITER.

I vote "no" on the final passage of House Bill No. 227 because I am against special privileges, as well to members of the Legislature as to others, and I think it is indelicate, to say the least, for members to vote special privileges to themselves and to compel the railroad companies to grant free transportation to them. The bill is bad on principle and as a matter of legislative policy and it is amazing to think that a single member of the Legislature could obtain his consent to support it.

DEAN.

Recess.

At 5:37 o'clock p. m., Senator McNealus moved to adjourn until 9:30

o'clock tomorrow. As a substitute Senator Hudspeth moved that the Senate recess until 8:30 o'clock p. m., Tuesday.

The motion to adjourn was lost. The motion to recess prevailed.

After Recess.

(Night Session.)

The Senate was called to order by the Secretary, Jno. D. McCall. By unanimous consent, the Chair announced that the Senate would stand at ease, subject to the call of the Chair.

(President Pro Tem. Henderson in the Chair.)

House Bill No. 288.

(By unanimous consent.)

The Chair laid before the Senate on second reading:

H. B. No. 288, A bill to be entitled "An Act to amend Article 5661, Revised Civil Statutes of 1911, Title 86, Chapter 7, relating to the registration of chattel mortgages, and to provide the effect to be given to the registration to such mortgages, where the same relates to property sold to be thereafter attached to the realty as a fixture; to provide for a special book in which such chattel mortgages shall be registered; to regulate the manner of registering the same, and to repeal all laws in conflict herewith."

The Senate rule requiring committee reports to lie over one day was suspended.

The committee report that the bill be not printed was adopted.

Senator Lattimore offered the following amendment, which was read and adopted:

Amend House Bill No. 288 by adding a new section following Section 2 and to be designated Section 3.

Section 3. The fact that there is now no adequate law in Texas protecting the rights of the vendors of machinery sold for the purpose of being thereafter attached to the realty, and the further fact that the law as now declared by the courts with reference to this matter has created

a state of confusion, which is injurious to the business interests of this State, constitute an emergency and an imperative public necessity so as to justify the constitutional rule requiring bills to be read on three several days to be suspended, and the same is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

The bill was read second time and passed to its third reading.

On motion of Senator Lattimore, the constitution rule requiring bills to be read on three several days was suspended and House Bill No. 288 put on its third reading and final passage by the following vote:

Yeas—24.

Alderdice.	Hudspeth.
Buchanan of Bell.	Johnson of Hall.
Buchanan of Scurry.	King.
Caldwell.	Lattimore.
Dayton.	McNealus.
Dean.	Page.
Decherd.	Parr.
Floyd.	Robbins.
Gibson.	Smith.
Hall.	Suiter.
Henderson.	Westbrook.
Hopkins.	Woodward.

Absent.

Bailey.	Johnston of Harris.
Bee.	McCollum.
Clark.	Strickland.
Harley.	

The bill was laid before the Senate, read third time and, on motion of Senator Lattimore, was passed finally.

House Bill No. 257.

(By unanimous consent.)

The Chair laid before the Senate on third reading:

H. B. No. 257, A bill to be entitled "An Act to provide for the placing of short term male State convicts upon public roads; to define short term male convicts and rules governing them while employed upon the public highways; to give counties authority to secure State convicts through petition of the commissioners' court to the Penitentiary Commission to recommend the placing of

such convicts upon their honor as their merit will justify when such transfer is made from the State farms or the walls to public roads; making it mandatory for the commissioners' court thus petitioning to provide railroad fare from penitentiary farms to point of destination; to provide for commutation of sentence for good behavior and service to such convicts as merit reward; giving the commissioners' court authority to pay for transportation of convicts by warrants drawn upon the road and bridge funds of the county so petitioning; also authority to draw warrants upon road and bridge fund for maintenance of convicts for food, raiment and medical purposes." The bill was laid before the Senate, read third time and, on motion of Senator Decherd, was passed finally.

House Bill No. 216.

(By unanimous consent.)

The Chair laid before the Senate on second reading:

H. B. No. 216, A bill to be entitled "An Act for the protection of citizens of this State, and of the United States, and citizens of countries having equal treaty rights with the United States on behalf of their citizens, who may be killed or injured in a foreign State or country, and providing for the procedure of trying such suits and causes of action in the courts of the State of Texas, and providing compensation therefor, and declaring an emergency."

The committee report that the bill be not printed was adopted.

The bill was read second time and passed to its third reading.

On motion of Senator Hudspeth, the constitutional rule requiring bills to be read on three several days was suspended and House Bill No. 216 put on its third reading and final passage by the following vote:

Yeas—24.

Alderdice.	Hall.
Buchanan of Bell.	Henderson.
Buchanan of Scurry.	Hopkins.
Caldwell.	Hudspeth.
Dayton.	Johnson of Hall.
Dean.	King.
Decherd.	Lattimore.
Floyd.	McNealus.
Gibson.	Page.

Parr.	Suiter
Robbins.	Westbrock.
Smith.	Woodward.

Absent.

Bailey.	Johnston of Harris.
Bee.	McCollum.
Clark.	Strickland.
Harley.	

The bill was laid before the Senate, read third time and, on motion of Senator Hudspeth, was passed finally.

Senate Bill No. 183—Vote Rescinded.

Senator Lattimore moved that the vote by which the Senate requested of the House a free conference committee on Senate Bill No. 183 be rescinded.

The motion prevailed.

Senator Lattimore moved to rescind the vote by which the Senate refused to concur in the House amendments to Senate Bill No. 183.

The motion prevailed.

Senate Bill No. 183—House Amendments Concurred In.

Senator Lattimore called up for consideration of House amendments to:

S. B. No. 183, A bill to be entitled "An Act authorizing the incorporation by those engaged in agricultural pursuits of farmers' co-operative societies; defining the character of their business, purpose and locality of such corporations, and declaring an emergency."

The following House amendments were laid before the Senate:

Amend Senate Bill No. 183, page 2, by adding to the close of Section 2, line 16, the following: "Provided, that no public funds appropriated to any department of State government, or to any State institution shall be used in organizing any societies or corporations mentioned in this Act."

Amend Section 1 by adding at the end the following:

"No. 1. Provided, persons not engaged in agricultural pursuits may be permitted to contribute an amount not in excess of one-third the outstanding working capital of the society."

Amend Section 2 by adding at the end the following:

"Provided, that corporations incorporated hereunder may join with other corporations incorporated under this act in establishing and maintaining joint agencies for the accomplishment of the purposes for which they are incorporated."

Amend Section 5 by adding at the end the following:

"And patronage of their members."

Amend Section 8 by striking out all after the words "the society shall return to the member at such time as may be fixed in its by-laws," and insert in lieu thereof the following: "An amount equal to the money value of the amount contributed by such member to the working capital of the society."

Amend Section 9 by striking out all after the words "in case of withdrawal" and insert in lieu thereof the following: "The society may return to the member an amount equal to the money value of the amount contributed by him to the working capital of the society."

Amend Section 10 by inserting after the words "debts and obligations of the corporation" the following: "And may provide in like manner that members may waive their right to claim personal property exempt from seizure for debt as against debts and obligations due to the society."

On motion of Senator Lattimore the Senate concurred in the amendments.

Message From the House.

Hall of the House of Representatives,
Austin, Texas, March 20, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

S. B. No. 258, A bill to be entitled "An Act to fix the venue of suits for damages for libel and slander," with amendments.

The House concurs in Senate amendments to House Bill No. 361.

Respectfully,

BOB BARKER.

Chief Clerk, House of Representatives.

House Bill No. 692.

The Chair laid before the Senate on second reading:

H. B. No. 692, A bill to be entitled "An Act amending Article 167, Title 10, Chapter 2, of the Revised Civil Statutes of 1911 of the State of Texas, providing for the treatment at the expense of the State of all indigent persons afflicted with hydrophobia, and providing for the treatment at the expense of the patient of all non-indigent persons so afflicted, and providing that the counties in which indigent persons so afflicted shall reside shall pay the expenses of such persons to and from Austin, as well as the necessary living expenses incurred by said persons while in Austin undergoing said treatment."

The committee report that the bill be not printed was adopted.

Senator Caldwell offered the following amendments which were read and adopted, being voted on separately:

Amend H. B. 692 by adding Section 2. as follows:

Section 2. The importance of the subject matter of this Act, the crowded condition of the calendar the near approach of the end of the present session create an emergency and imperative public necessity that the constitutional rule requiring bills be read on three several days be suspended and it is so suspended and that this Act be in force and effect from and after its passage, and it is so enacted."

Also by adding at the end of the caption the words "and declaring an emergency."

The bill was read second time and passed to its third reading.

On motion of Senator Caldwell, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 692 put on its third reading and final passage by the following vote:

Yeas—26.

Alderdice.	Hall.
Bee.	Harley.
Buchanan of Bell.	Henderson.
Caldwell.	Hopkins.
Clark.	Hudspeth.
Dayton.	Johnson of Hall.
Dean.	King.
Decherd.	Lattimore.
Floyd.	McNealus.
Gibson.	Page.

Parr.
Robbins.
Smith.

Suiter.
Westbrook.
Woodward.

Absent.

Bailey.
Buchanan of Scurry.
Johnston of Harris.

McCollum.

The bill was laid before the Senate, read third time and, on motion of Senator Caldwell, was passed finally.

House Bill No. 389.

The Chair laid before the Senate on second reading:

H. B. No. 389, A bill to be entitled "An Act to amend Article 1210, Chapter 1, Title 17 of the Penal Code of the State of Texas."

The committee report that the bill be not printed was adopted.

Senator Dean offered the following amendment which was read and adopted:

Amend by striking out "one" and inserting "two" in lieu thereof.

Senator Gibson offered the following amendments, which were read and adopted, being voted on separately:

Amend: Add a new section to be known as Section 2.

"Section 2. The fact that there is now no adequate law governing this subject, and the importance of this legislation creates an emergency and an imperative public necessity which requires that bills shall be read on three several days in each house be suspended, and said rule is hereby suspended, that this Act shall take effect and be in force from and after its passage, and it is so enacted."

Amend the caption by adding "and declaring an emergency."

The bill was read second time and passed to third reading.

On motion of Senator Gibson, the constitutional rule requiring that bills be read on three several days was suspended and H. B. No. 389 put on its third reading and final passage by the following vote:

Yeas—26.

Alderdice.	Caldwell.
Bee.	Clark.
Buchanan of Bell.	Dayton.

Dean.	Lattimore.
Decherd.	McNealus.
Floyd.	Page.
Gibson.	Parr.
Harley.	Robbins.
Henderson.	Smith.
Hopkins.	Strickland.
Hudspeth.	Suiter.
Johnson of Hall.	Westbrook.
King.	Woodward.

Absent.

Bailey.	Johnston of Harris.
Buchanan of Scurry.	McCollum.
Hall.	

The bill was laid before the Senate, read third time and, on motion of Senator Gibson, was passed finally.

Senate Bill No. 258—House Amendments Concurred In.

Senator McNealus called up for consideration of House Amendments to:

S. B. No. 258, A bill to be entitled "An Act to fix the venue of suits for damages for libel and slander."

The following House Amendment was laid before the Senate:

Amend Senate Bill No. 258 by striking out all after the word "action" in line 4, Section 1 and insert in lieu thereof the following:

"Or in the county where plaintiff resided at the time of filing suit or in the county of the residence of the defendant or any one of them or the domicile of any corporate defendant at the election of the plaintiff."

On motion of Senator McNealus, the Senate concurred in the amendment.

House Bill No. 843.

The Chair laid before the Senate on second reading:

H. B. No. 843, A bill to be entitled "An Act amending Chapter 115, page 446, of the Special Laws of the Regular Session of the Thirty-third Legislature of the State of Texas, entitled 'An Act to authorize and empower Zavala County or any political subdivision or other defined district to issue bonds,' etc., by adding Section 15a thereto, providing for a salary and per diem for the mem-

bers of the commissioners court of said county, while acting as ex officio road commissioners, and declaring an emergency."

The committee report that the bill be not printed was adopted.

The bill was read second time and passed to its third reading.

On motion of Senator Hudspeth, the constitutional rule requiring bills to be read on three several days was suspended and House Bill No. 843 put on its third reading and final passage by the following vote:

Yeas—26.

Alderdice.	Hopkins.
Bee.	Hudspeth.
Buchanan of Bell.	Johnson of Hall.
Buchanan of Scurry.	King.
Caldwell.	Lattimore.
Dayton.	McNealus.
Dean.	Page.
Decherd.	Parr.
Floyd.	Robbins.
Gibson.	Smith.
Hall.	Suiter.
Harley.	Westbrook.
Henderson.	Woodward.

Absent.

Bailey.	McCollum.
Clark.	Strickland.
Johnston of Harris.	

The bill was laid before the Senate, read third time and, on motion of Senator Hudspeth, was passed finally.

House Bill No. 584.

The Chair laid before the Senate on second reading:

H. B. No. 584, A bill to be entitled "An Act to fix a uniform date upon which officers elected at a general election shall qualify and assume the duties of their respective offices, and repealing all laws and parts of laws in conflict herewith."

The committee report that the bill be not printed was adopted.

Senator Bee offered the following amendment, which was read and adopted:

Amend the bill by adding Section 2.

"Section 2. The fact that there is now no law fixing the time for the qualification of county and precinct

officers, and the near approach of the end of the session creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and that this bill be in force from and after its passage and approval, and it is so enacted."

The bill was read second time and passed to its third reading.

On motion of Senator Bee, the constitutional rule requiring bills to be read on three several days was suspended and House Bill No. 584 put on its third reading and final passage by the following vote:

Yeas—26.

Alderdice.	Hopkins.
Bee.	Hudspeth.
Buchanan of Bell.	Johnson of Hall.
Caldwell.	King.
Clark.	Lattimore.
Dayton.	McNealus.
Dean.	Page.
Decherd.	Parr.
Floyd.	Robbins.
Gibson.	Smith.
Hall.	Suiter.
Harley.	Westbrook.
Henderson.	Woodward.

Absent.

Bailey.	McCollum.
Buchanan of Scurry.	Strickland.
Johnston of Harris.	

The bill was laid before the Senate, read third time and, on motion of Senator Bee, was passed finally.

House Bill No. 355.

The Chair laid before the Senate on second reading:

H. B. No. 355, A bill to be entitled "An Act to amend Article 854, Title 22, Chapter 4, Revised Civil Statutes of 1911, as amended by Senate Bill No. 342, Chapter 152, page 326, of the General Laws of the State of Texas, passed by the Thirty-third Legislature at its Regular Session, so as to provide for working of the streets by male inhabitants of cities and towns incorporated under the General Laws, not exceeding five days for each year; and providing for the payment of money in lieu of such work;

and authorizing such cities and towns to enforce such provisions by appropriate ordinances, and including the fixing of penalties and fines for violation thereof."

The committee report that the bill be not printed was adopted.

The bill was read second time and passed to third reading.

On motion of Senator Smith, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 355 put on its third reading and final passage by the following vote:

Yeas—26.

Alderdice.	Hopkins.
Bee.	Hudspeth.
Buchanan of Bell.	Johnson of Hall.
Buchanan of Scurry.	King.
Caldwell.	Lattimore.
Clark.	McNealus.
Dayton.	Page.
Dean.	Parr.
Decherd.	Robbins.
Floyd.	Smith.
Gibson.	Suiter.
Harley.	Westbrook.
Henderson.	Woodward.

Absent.

Bailey.	McCollum.
Hall.	Strickland.
Johnston of Harris.	

The bill was laid before the Senate, read third time and, on motion of Senator Suiter, was passed finally.

House Bill No. 323.

The Chair laid before the Senate on second reading:

H. B. No. 323. A bill to be entitled "An Act to amend Articles 3826, 3827 and 3828 of Title 57 of the Revised Civil Statutes of the State of Texas (1911), and to add thereto Articles 3828a and 3828b, defining commission merchants and requiring all commission merchants dealing in agricultural, horticultural and farm products, and poultry, other than live stock dealers and corporations chartered under Chapter 5, Acts of the Second Called Session of the Thirty-third Legislature, to take out a license through the Commissioner of Agriculture, paying a fee therefor; authorizing them to do

business in this State; providing that they shall give bond to be approved by the Commissioner of Agriculture, and prescribing the terms and conditions of said bond; providing for making certain reports by all commission merchants, requiring them to keep certain books and records, and to submit all books, records, and 'sales tickes' to the Commissioner of Agriculture or his authorized agents whenever demanded; authorizing the Commissioner of Agriculture to refuse to issue licenses to persons not of good moral character, and to cancel licenses for failure to make reports or submit books, records and sales tickets for inspection, or for fraud or dishonest dealings, as provided by this Act; authorizing the Commissioner of Agriculture to employ marketing agents to assist in enforcing the provisions of this law; fixing the venue, prescribing penalties for the violation of the provisions of this Act, and declaring an emergency."

The committee report that the bill be not printed was adopted.

Senator Lattimore offered the following amendment which was read and adopted:

Amend bill in proposed Article 3828b by striking out in the three last lines from the end of said section the words "or in the county when the goods and articles shipped were delivered to the carrier for shipment to such commission merchant."

The bill was read second time and passed to its third reading.

On motion of Senator King, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 323 put on its third reading and final passage by the following vote:

Yeas—23.

Alderdice.	Hudspeth.
Buchanan of Bell.	Johnson of Hall.
Buchanan of Scurry.	King.
Caldwell.	McNealus.
Clark.	Page.
Dayton.	Parr.
Dean.	Robbins.
Decherd.	Strickland.
Floyd.	Suiter.
Harley.	Westbrook.
Henderson.	Woodward.
Hopkins.	

Nays—1.

Lattimore.

Absent.

Bailey.	Johnston of Harris.
Bee.	McCollum.
Gibson.	Smith.
Hall.	

The bill was laid before the Senate, read third time and passed finally.

House Bill No. 157.

Senator Lattimore asked for unanimous consent to take up House Bill No. 157.

There was objection.

Senator Lattimore moved that the regular order of business be suspended, and the Senate take up, out of its order, House Bill No. 157.

The motion prevailed by the following vote:

Yeas—22.

Alderdice.	Hopkins.
Bee.	Hudspeth.
Buchanan of Bell.	Johnson of Hall.
Caldwell.	Lattimore.
Clark.	McNealus.
Dayton.	Page.
Dean.	Robbins.
Decherd.	Smith.
Floyd.	Suiter.
Gibson.	Westbrook.
Henderson.	Woodward.

Nays—1.

Parr.

Present—Not Voting.

King.

Absent.

Bailey.	Johnston of Harris.
Buchanan of Scurry.	McCollum.
Hall.	Strickland.
Harley.	

The Chair laid before the Senate on second reading:

H. B. No. 157, A bill to be entitled "An Act requiring the commissioners court to publish notice of the time and place of the letting of any contract calling for or requiring the expenditure of five hundred dollars or more, or submitting same to competitive bids, and of publishing notice of the proposed letting of such contracts, and providing that contracts made in violation of this act

shall not be enforced and may be enjoined."

Senator Lattimore offered the following amendments, which were read and adopted, being voted on separately:

(1) Amend House Bill No. 157 by striking out the words and figures "five hundred dollars (\$500.00)" wherever they occur in the bill and caption, and insert in lieu thereof the following: "Two thousand dollars (\$2,000.00)," and by striking out the words and figures "twenty dollars (\$20.00)" and inserting in lieu thereof the following: "Five hundred (\$500.00) dollars."

(2) Amend House Bill No. 147 by adding a new section with appropriate number to read as follows:

"The near approach of the end of the session and the large number of bills on the calendar creates an emergency and an imperative public necessity that the constitutional rule requiring that bills be read on three several days be suspended and that this bill become a law from and after its passage, and it is so enacted."

(3) Amend the caption so as to add thereto the following: "And creating an emergency."

Senator Suiter offered the following amendment, which was read and adopted:

(4) Amend House Bill No. 157 by changing the period after the word "calamity" at the end of Section 1 to a semi-colon and adding thereafter the following: "Provided that the provisions of this act shall not apply to any work done under the direct supervision of the county commissioner and paid for by the day."

The bill was read second time and passed to its third reading.

On motion of Senator Lattimore, the constitutional rule requiring bills to be read on three several days was suspended and House Bill No. 157 put on its third reading and final passage by the following vote:

Yeas—25.

Alderdice.	Decherd.
Bec.	Floyd.
Buchanan of Bell.	Harley.
Buchanan of Scurry.	Henderson.
Caldwell.	Hopkins.
Clark.	Hudspeth.
Dayton.	Johnson of Hall.
Dean.	King.

Lattimore.	Strickland.
McNealus.	Suiter.
Page.	Westbrook.
Parr.	Woodward.
Robbins.	

Absent.

Bailey.	Johnston of Harris.
Gibson.	McCollum.
Hall.	Smith.

The bill was laid before the Senate, read third time and, on motion of Senator Lattimore, was passed finally.

House Bill No. 732.

The Chair laid before the Senate on second reading:

H. B. No. 732, A bill to be entitled "An Act making an appropriation of \$1,799.66 for the purpose of supplementing existing appropriations and the payment of the salaries of certain employes, etc., in the Department of Superintendent of Public Buildings and Grounds for the months of February to August, 1917, both inclusive, fixing the salaries for such time and for the purpose of paying one-half the expense of certain paving, and declaring an emergency."

The committee report that the bill be not printed was adopted.

The bill was read second time and passed to its third reading.

On motion of Senator Caldwell, the constitutional rule requiring bills to be read on three several days was suspended and House Bill No. 732 put on its third reading and final passage by the following vote:

Yeas—26.

Alderdice.	Hopkins.
Bec.	Hudspeth.
Buchanan of Bell.	Johnson of Hall.
Buchanan of Scurry.	King.
Caldwell.	Lattimore.
Clark.	McNealus.
Dayton.	Page.
Dean.	Parr.
Decherd.	Robbins.
Floyd.	Strickland.
Gibson.	Suiter.
Harley.	Westbrook.
Henderson.	Woodward.

Absent.

Bailey.	McCollum.
Hall.	Smith.
Johnston of Harris.	

The bill was laid before the Senate, read third time and, on motion of Senator Caldwell, was passed finally.

House Bill No. 212.

Senator Bee asked for unanimous consent to take up House Bill No. 212. There was objection.

Senator Bee moved that the regular order of business be suspended, and the Senate take up, out of its order, House Bill No. 212.

The motion prevailed by the following vote:

Yeas—19.

Bee.	King.
Buchanan of Scurry.	Lattimore.
Caldwell.	McNealus.
Dean.	Page.
Decherd.	Parr.
Floyd.	Robbins.
Harley.	Strickland.
Henderson.	Suiter.
Hopkins.	Westbrook.
Johnson of Hall.	

Nays—3.

Alderdice.	Dayton.
Buchanan of Bell.	

Absent.

Bailey.	Johnston of Harris.
Clark.	McCollum.
Gibson.	Smith.
Hall.	Woodward.
Hudspeth.	

The Chair laid before the Senate on second reading:

H. B. No. 212, A bill to be entitled "An Act to create and establish a Texas Industrial School and Workshop for the Adult Blind of the State; providing for a board to locate such institution and to manage its affairs; providing an appropriation, and declaring an emergency."

The committee report that the bill be not printed was adopted.

Senator Lattimore offered the following amendment, which was read and adopted.

Amend House Bill No. 212 by striking out all of present Sections 1, 2, 3, 4, 5 and 6 and insert in lieu thereof the following: "There is hereby established at the Texas School for the Blind a department of said school to provide for the training of the adult

blind of this State in all of the industrial arts which may be desired for the useful employment of adult blind men and women, which shall be under the control and management of the board and officers of said Texas School for the Blind."

The bill was read second time and passed to its third reading.

On motion of Senator Bee, the constitutional rule requiring bills to be read on three several days was suspended and House Bill No. 212 put on its third reading and final passage by the following vote:

Yeas—23.

Alderdice.	Hudspeth.
Bee.	Johnson of Hall.
Buchanan of Bell.	King.
Buchanan of Scurry.	Lattimore.
Caldwell.	McNealus.
Dayton.	Page.
Dean.	Parr.
Decherd.	Robbins.
Floyd.	Strickland.
Harley.	Suiter.
Henderson.	Westbrook.
Hopkins.	

Absent.

Bailey.	Johnston of Harris.
Clark.	McCollum.
Gibson.	Smith.
Hall.	Woodward.

The bill was laid before the Senate, read third time and, on motion of Senator Bee, was passed finally.

House Bill No. 513.

Senator Strickland asked for unanimous consent to take up House Bill No. 513.

There was objection.

Senator Strickland moved that the regular order of business be suspended, and the Senate take up, out of its order, House Bill No. 513.

The motion prevailed by the following vote:

Yeas—17.

Alderdice.	Hudspeth.
Buchanan of Bell.	Johnson of Hall.
Buchanan of Scurry.	Lattimore.
Dayton.	McNealus.
Dean.	Robbins.
Decherd.	Strickland.
Floyd.	Suiter.
Henderson.	Westbrook.
Hopkins.	

Nays—3.

King. Parr.
Page.

Absent.

Balley. Johnston of Harris.
Gibson. McCollum.
Hall.

Pairs Recorded.

Senator Harley (present), who would vote "nay"; Senator Smith (absent), who would vote "yea."

Senator Bee (present), who would vote "nay"; Senator Woodward (absent), who would vote "yea."

Senator Caldwell (present), who would vote "nay"; Senator Clark (absent), who would vote "yea."

Pending the laying of the bill before the Senate, Senator Caldwell made the point of order that the bill is not properly before the Senate in as much as the committee report on the same is a floor report and is not signed by all of the members of the committee.

The point of order was overruled.

The Chair laid before the Senate on second reading:

H. B. No. 513, A bill to be entitled "An Act to amend Chapter 67 of the Acts of the Regular Session of the Thirty-third Legislature of the State of Texas, as amended by Chapter 31 of the Acts of the First Called Session of the Thirty-third Legislature, and the same is hereby amended so that sections 2, 3, 4 and 5 of said Chapter 31 shall be divided into seven sections, to be known in said chapter as Sections 2, 3, 4, 5, 5a, 5b and 5c, reading as shown below; also by amending Section 9 of Chapter 31, so that it will read as shown below, said sections as amended to be incorporated in and become part of said Chapter 31."

The Committee report that the bill be not printed was adopted.

The bill was read second time and passed to its third reading.

On motion of Senator Strickland, the constitutional rule requiring bills to be read on three several days was suspended and House Bill No. 513 put on its third reading and final passage by the following vote:

Yeas—18.

Alderdice. Hopkins.
Buchanan of Bell. Hudspeth.
Buchanan of Scurry. Johnson of Hall.
Dayton. Lattimore.
Dean. McNealus.
Decherd. Robbins.
Floyd. Strickland.
Harley. Suiter.
Henderson. Westbrook.

Nays—3.

King. Parr.
Page.

Absent.

Bailey. Johnston of Harris.
Gibson. McCollum.
Hall. Smith.

Pairs Recorded.

Senator Bee (present), who would vote "nay"; Senator Woodward (absent), who would vote "yea."

Senator Caldwell (present), who would vote "nay"; Senator Clark (absent), who would vote "yea."

The bill was laid before the Senate, read third time and, on motion of Senator Westbrook, was passed finally.

Recess.

At 10:45 o'clock p. m., on motion of Senator Page the Senate recessed until 10 o'clock tomorrow morning.

After Recess.

(March 21, 1917.)

The Senate was called to order at 10 o'clock a. m., by Lieutenant Governor Hobby.

Amendment to Rules.

Senator Johnston of Harris called up and the Chair laid before the Senate the following Simple Resolution No. . . . , providing as follows:

We move that the rules of the Senate be amended as follows: Add to Rule No. 70 the following line: "(32) A Committee on Nominations of the Governor."

The committee report that it do

pass with the following proviso, to-wit:

That when any nomination of the Governor shall be referred to this Committee, it shall not be reported to the Senate at an earlier date than three days, unless otherwise ordered by the Senate,

Was read and adopted by unanimous vote of the Senate.

House Bill No. 577.

The Chair laid before the Senate on second reading:

H. B. No. 577, A bill to be entitled "An Act to prevent the introduction into and the dissemination in this State of insect pests and plant diseases injurious or harmful to plants and plant products, vesting the enforcement thereof in the Commissioner of Agriculture, and defining his powers and duties."

The committee report that the bill be not printed was adopted.

Senator Alderdice offered the following amendments, which were read and adopted, being voted on separately:

Amend House Bill No. 577 by adding the following:

"The fact that there is now no adequate law providing for the inspection of orchards and nursery stock creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended and that this Act take effect from and after its passage, and it is so enacted."

Amend the caption by substituting a comma for the period after word "duties" and adding the words "and creating an emergency."

The bill was read second time and passed to its third reading.

On motion of Senator McNealus, the constitutional rule requiring bills to be read on three several days was suspended and House Bill No. 577 put on its third reading and final passage by the following vote:

Yeas—26.

Alderdice.	Dayton.
Bailey.	Dean.
Bee.	Decherd.
Buchanan of Bell.	Floyd.
Buchanan of Scurry.	Harley.
Caldwell.	Henderson.
Clark.	Hudspeth.

Johnson of Hall.	Page.
Johnston of Harris.	Parr.
King.	Robbins.
Lattimore.	Suiter.
McCollum.	Westbrook.
McNealus.	Woodward.

Absent.

Gibson.	Smith.
Hall.	Strickland.
Hopkins.	

The bill was laid before the Senate, read third time and, on motion of Senator McNealus, was passed finally.

House Bill No. 202.

The Chair laid before the Senate on second reading:

H. B. No. 202, A bill to be entitled "An Act to amend Article 303, Title 7, Chapter 2, of the Revised Criminal Statutes (1911) of Texas, specifically defining the articles or service that may be sold or rendered on Sunday, as exceptions from the operation of the preceding articles of said chapter, providing that incorporated cities and towns may by ordinance regulate or prohibit such sales, or service, and providing penalties."

Senator Caldwell moved the adoption of the minority committee report, carrying amendments.

Senator Lattimore moved that the bill be postponed indefinitely.

Senator Lattimore made the point of order that the bill can not be considered at this hour because it is within the last twenty-four hours of the Session (citing Rule 31 of the Senate.)

The Chair sustained the point of order, but holding that the rule might be suspended by a two-thirds vote of the Senate.

Senator Hudspeth moved to suspend Senate Rule No. 31, and the motion was lost by the following vote:

Yeas—14.

Bailey.	Johnston of Harris.
Bee.	King.
Caldwell.	McCollum.
Clark.	McNealus.
Hall.	Page.
Harley.	Parr.
Hudspeth.	Woodward.

Nays—14.

Alderdice.	Johnson of Hall.
Buchanan of Bell.	Lattimore.
Buchanan of Scurry.	Robbins.
Dean.	Smith.
Decherd.	Strickland.
Floyd.	Sulter.
Hopkins.	Westbrook.

Present—Not Voting.

Dayton.

Absent.

Gibson.

Henderson.

(President Pro Tem. Henderson in the chair.)

Senator Hudspeth made the point of order that by a refusal of the Senate to suspend Senate Rule No. 31, no other business could be transacted except corrective amendments to bills.

The Chair held that bills could be considered unless the point of order invoking Senate Rule No. 31 is raised, and that said rule could then be suspended by a vote of two-thirds of the Senate or that bills could be taken up by unanimous consent.

Permanent Rules Adopted.

Senator King called up the report of Committee on Rules filed on March 19th (see Journal of that date on page 1559 for the report in full).

Senator King moved that the report be adopted.

The motion prevailed.

Bills Signed.

The Chair (President Pro Tem. Henderson), gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills:

S. B. No. 265, A bill to be entitled "An Act to authorize and permit B. E. Eastham to sue the State of Texas and the Prison Commission of the State of Texas in the district court of Walker County, Texas, for damages for the breaches, if any, of and the failure, if any, to perform the duties and obligations if any arising out of the contract made on or about the 12th day of January, A. D. 1910,

between the said B. A. Eastham of the one side and J. A. Herring, as superintendent, and A. M. Barton, as financial agent, of the Texas State penitentiaries, of the other side, for the cultivation of the farm of the said B. A. Eastham on the share farm system, with convict labor, for a term of two years, commencing on January 1, A. D. 1910, and ending December 31, 1911, which said farm consists of about one thousand acres and is located in Walker County, Texas; and providing that no pleas of limitation shall be urged in bar of the cause of action alleged by the plaintiff in said suit; and providing that no execution shall issue on the judgment, if any, rendered therein, but that such judgment shall be recognized as a valid claim by the Prison Commission; and providing for the manner of payment thereof."

S. B. No. 184, A bill to be entitled "An Act to amend Article 7491, Chapter 10, Title 126, of the Revised Civil Statutes of Texas, so as to authorize the Comptroller to appoint and contract with persons to collect inheritance taxes, and declaring an emergency."

S. B. No. 246, A bill to be entitled "An Act conveying to the United States of America all right, title and interest which the State of Texas may have or hold in and to the following described tract of land, situated in the City of Galveston, and the County of Galveston, State of Texas, known and described on the maps and plans of said city now in common use as being the tract of land located on the dyke in Galveston Bay, described as follows: Commencing at a point on the U. S. Dyke bulkhead, same being the S. W. corner of a piece of ground leased to J. P. McDonough by the City of Galveston, Texas; thence S. 76 degrees 54 1-2 minutes W. 82.8 feet to place of beginning, same being approximately on center line of Twenty-fifth street produced; thence along said bulkhead S. 76 degrees 54 1-2 minutes W. 310.6 feet; thence N. 28 degrees .08 1-2 minutes W. 500 feet; thence N. 76 degrees 54 1-2 minutes E. 310.6 feet parallel to said bulkhead; thence S. 28 degrees .08 1-2 minutes E. parallel to and 80 feet W. of W. line of said J. P. McDonough's lease 500 feet to place of beginning; containing 3.44 acres;

for the purpose of enabling the United States Government to build thereon a lighthouse depot, and declaring an emergency."

S. B. No. 490, a bill to be entitled "An Act to amend Section Six of an Act passed by the present Session of the Thirty-fifth Legislature and approved on the 16th day of March, 1917, pertaining to the development of minerals in the Public Free School Lands and Waters, and declaring an emergency."

S. B. No. 82, A bill to be entitled "An Act to establish a branch of the Agricultural and Mechanical College of Texas east of the 96th meridian; providing for the location of such college; its government and control of its finances; defining its leading object and prescribing generally the nature and scope of instruction to be given; providing for the instruction of all students of such college in military science and for military discipline of all students; conferring upon the board of directors of said College the right of eminent domain; making necessary appropriations for the location, establishment and maintenance of said college; and declaring an emergency."

H. B. No. 834, A bill to be entitled "An Act creating the Bertram Independent School District in Burnet County, Texas, including the present Bertram Independent School District, etc., and declaring an emergency."

H. B. No. 360, A bill to be entitled "An Act establishing a Bureau of Vital Statistics for the Board of Health; providing for an adequate system for the registration of births and deaths in the State of Texas; providing penalties for the violation of any of the provisions of this Act; making appropriation for the efficient enforcement of the same, and declaring an emergency."

H. B. No. 526, A bill to be entitled "An Act to amend Article 1460, Chapter 2, Title 29, of the Revised Civil Statutes of 1911, and amended by the Thirty-fourth Legislature, page 203, providing for the appointment and compensation of county auditors in counties having a population of forty thousand inhabitants, according to the last United States census, or having a tax valuation of eighteen million dollars, according to the last approved tax

rolls, also to add Article 1460a, providing that county auditors may be appointed in counties having a less population than forty thousand inhabitants or having a tax valuation of less than eighteen million dollars; also, to amend Article 1461, Chapter 2, Title 29, of the Revised Civil Statutes as amended by the Thirty-fourth Legislature, page 182, relating to the appointment of county auditors; also, to amend Article 1462, Chapter 2, Title 29, of the Revised Civil Statutes of 1911, defining the qualifications of county auditors."

H. B. No. 595, A bill to be entitled "An Act prescribing the duties of the district attorney and county attorney with reference to habeas corpus proceedings and examining trials in counties where there is not a resident criminal district attorney, and repealing Article 31, Title 1, Chapter 2, of the Code of Criminal Procedure, and repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

H. B. No. 568, A bill to be entitled "An Act making it an offense for any person who is treasurer of any school district in this State, or for any officer, director, stockholder, agent or employe of any corporation that is the treasurer or depository of any school district in this State to fraudulently take, misapply or convert to his own use any of the money, property or other thing of value belonging to such district or to secrete the same with the intent to take, misapply or convert it to his own use, or to pay or deliver the same to any person knowing that he is not entitled to receive it, prescribing a penalty, and declaring an emergency."

H. B. No. 837, A bill to be entitled "An Act making appropriation to pay contingent expenses of the Thirty-fifth Legislature."

H. B. No. 752, A bill to be entitled "An Act to validate all sales of public free school land, University land and asylum land which were made after forfeiture for nonpayment of interest but prior to entry of such forfeiture on account kept with the purchaser and all sales of said land which were made upon applications filed prior to the cancellation of a former sale for the failure of the

owner to reside on the land, and declaring an emergency."

H. B. No. 808, A bill to be entitled "An Act to create a more efficient road system for Jasper County, Texas, etc., and declaring an emergency."

H. B. No. 715, A bill to be entitled "An Act to create a more efficient road system for Lampasas County, Texas, etc., and declaring an emergency."

H. B. No. 744, A bill to be entitled "An Act to prevent the selling of bass and white perch or crappie or channel catfish taken from the fresh waters in the county of Tom Green, State of Texas; making it unlawful to use any dynamite or other explosives in the killing or catching of any fish in any of the fresh waters of said county and providing a penalty for the violation thereof; prohibiting the use of any seine, drag net, trammel net or other net other than a minnow seine, which shall not be more than ten feet in length, limiting the number of fish to be taken in any one day; providing that the district judge of the judicial district in which Tom Green County is situated shall give a special charge upon this law to the grand juries of Tom Green County; providing a penalty for the violation hereof, and declaring an emergency."

H. B. No. 735, A bill to be entitled "An Act amending Section 1, Chapter 67, Special Laws of Texas, Acts of the Thirty-first Legislature, Regular Session, entitled 'An Act Creating the Hamlin Independent School District in Jones County, Texas, etc., and declaring an emergency.'"

S. B. No. 488, A bill to be entitled "An Act adding to and making a part of the Kingsland Independent School District of Llano County, Texas, certain lands and territory adjoining thereto situated in Burnet County, Texas, etc., and declaring an emergency."

S. B. No. 258, A bill to be entitled "An Act to fix the venue of suits for damages for libel and slander."

S. B. No. 208, A bill to be entitled "An Act forbidding transaction of business in Texas under an assumed name other than the real name or names of the individuals conducting such business, unless such individu-

als file in the office of the clerk of the county where such business is to be conducted a certificate containing the names and addresses of such persons; providing for the keeping of special record of such certificates by the county clerks of the State; providing for a filing fee to be paid the county clerk for filing such certificate; making it a misdemeanor not to comply with the provisions of this act, and fixing a penalty for such failure."

H. C. R. No. 23, To fix the date of sine die adjournment of the Legislature.

S. B. No. 370, A bill to be entitled "An Act to amend Articles 628 and 632 of Chapter 2, Title 18, of the Revised Civil Statutes of the State of Texas (1911 compilation), said Chapter being Chapter 7 of the General Laws of the First Called Session of the Thirty-first Legislature, 1909, entitled 'An Act to authorize any county or political subdivision or other defined district of the county, upon a vote of two-thirds majority of the resident property tax paying voters thereof who are qualified electors of such county or political subdivision or defined district of the county to issue bonds or otherwise lend its credit in any amount not to exceed one-fourth of the assessed valuation of the real property of such county or political subdivision or defined district thereof,' etc., and to add to said Chapter Articles 637a, 637b, 637c, 637d, 637e and 637f, providing that in any county wherein a road district or road districts have been formed or may hereafter be formed and have issued bonds for the purpose of constructing public roads, the commissioners court of the county shall, upon petition, submit to the qualified voters of the county the propositions as to whether or not bonds shall be issued for the purpose of purchasing or taking over the improved roads already constructed in said district or districts and of further constructing, maintaining and operating macadamized, graveled or paved roads and turnpikes throughout such county, requiring the commissioners court to set apart from such county issue bonds in sufficient amount to retire all outstanding district bonds and prescribing the methods therefor either by exchange with the holder

or holders of said district bonds or by depositing county bonds to the credit of such district or districts, providing for levy and collection of taxes for said county bonds and dispensing with taxes for said district bonds, authorizing the necessary adjustment of sinking funds, providing for the issuance and sale of county bonds in excess of the amount needed to retire district bonds and for expenditure of funds thus realized, prohibiting the overlapping of road districts or subdivisions of a county, providing for the proper investment of the sinking funds of road bonds, declaring that the interest arising from any such investment shall become a part of the sinking fund and prohibiting the diversion of said interest and said sinking fund for any other purpose, making the same a criminal offense, and providing suitable punishment therefor, and declaring an emergency."

S. B. No. 315, A bill to be entitled "An Act to amend Title 22, Chapter 4, Article 879 of the Revised Statutes of the State of Texas, Acts of 1911, and declaring an emergency."

S. B. No. 263, A bill to be entitled "An Act to amend Article 1033, Chapter 14, Title 22, of the Revised Civil Statutes of the State of Texas, adopted in 1911, so as to authorize the incorporation of towns or villages containing more than two hundred (200) and less than ten thousand (10,000) inhabitants."

S. B. No. 470, A bill to be entitled "An Act to amend Article 2877, Title 48, Chapter 17, of the Revised Civil Statutes, 1911, entitled, 'Election Local School Tax,' providing that the city or town council or board of aldermen of any city, town or village, whether incorporated under any Act of the Congress of the Republic or the Legislature of the State of Texas or under any Act of incorporation whatever, shall have power by ordinance to annually levy and collect a local tax not to exceed in any one year fifty cents on the one hundred dollars valuation of the property subject to taxation in such district for the support and maintenance of public free schools and the erection and equipment of school buildings therein; providing that no levy of such tax shall be made until an election shall have

been held in which none but property tax payers who are qualified voters of such city or town or of such independent school district shall vote and a majority of those voting shall vote in favor thereof; providing that said tax may be for a specific amount of not to exceed fifty cents on the one hundred dollars valuation; providing that one election for the levy of any such tax or for the repeal of any such tax shall be held in any one calendar year, but whenever the majority of any such voters have voted in favor of any such tax, no election for its repeal shall be held for two years thereafter; making provisions for the levy and collection of said tax; providing that the limitation upon the amount of school district tax authorized by this Act shall not apply to incorporated cities or towns constituting separate and independent school districts as is provided in Section 3, Article 7, of the Constitution of the State of Texas, and declaring an emergency."

S. B. No. 183, A bill to be entitled "An Act authorizing the incorporation by those engaged in agricultural pursuits of farmers' co-operative societies; defining the character of their business, purpose and locality of such corporations; providing the method by which such corporations may be chartered; fixing the charter fees therefor and exempting them from the payment of franchise taxes; declaring that certified copies of the charters, amendments and by-laws of such corporations shall be filed with the county clerk of the county in which such societies are located; defining the character of reports that must be made by such corporations; fixing the minimum amount of property which such corporations must own and regulating the membership and the membership certificates of such corporations; authorizing such corporations to borrow money, to discount notes in a limited amount; authorizing them to act as the selling and purchasing agents of their members in the sale of agricultural products and the purchase of machinery, supplies and insurance for their members; giving such corporations authority to own and operate such machinery and instrumentalities as may be necessary in the production, harvesting and

preparations for market of farm and ranch products; fixing the rights of members of such societies; limiting the liability of members of such corporations and authorizing them to provide for an additional liability; providing for appropriate forms for making this Act effective; conferring certain powers and authority upon and fixing certain duties for the Secretary of State and the Attorney General, and declaring an emergency.'

H. B. No. 678, A bill to be entitled "An Act to amend Article 2771, Title 48, Chapter 12, of the Revised Civil Statutes of 1911 of the State of Texas; providing for the selection of treasurer of the school fund in an independent district of more than one hundred and fifty scholastics, whether it be a city which has assumed control of the school within its limits or a corporation for school purposes only; providing for bond to be executed by the treasurer, and fixing the conditions of said bond."

H. B. No. 754, A bill to be entitled "An Act to amend Article 2814 of the Revised Civil Statutes of the State of Texas, 1911, so as to confer upon the State Superintendent of Public Instruction the authority, upon satisfactory evidence being presented, to reinstate a teacher's certificate theretofore canceled by him and giving right of appeal to State Board of Education."

H. B. No. 504, A bill to be entitled "An Act requiring every repair shop of whatsoever kind, or garage, within this State engaged in the repairing, rebuilding or repainting of automobiles of every description, or repair shops engaged in electrical work in connection with automobiles of every description, to keep a register containing a complete and accurate description of every car upon which work is performed; providing what the register shall contain and how it shall be kept; providing a punishment for failure to comply, and declaring an emergency."

H. B. No. 91, A bill to be entitled "An Act providing that in all suits of mandamus or injunction against any person holding any public office in this State, and in his official capacity, after final trial and judgment in the trial court, and after notice of appeal to the Court of Appeals or

Supreme Court has been given, should such person vacate such office, such suit shall not abate; providing that his successor may be made a party to such suits, by motion, and providing for costs, and declaring an emergency."

House Bill No. 836.

(By unanimous consent.)

The Chair laid before the Senate, on second reading,

H. B. No. 836, A bill to be entitled "An Act to amend Section 10, Chapter 76, Local and Special Laws passed by the Regular Session of the Thirty-second Legislature, being an Act to amend Section 10 of Chapter 79, General Laws passed by the Twenty-seventh Legislature, which said chapter was also amended by Acts of the Thirty-first Legislature of the State of Texas, creating a more efficient road system for Brown County, Texas, and declaring an emergency."

The committee report that the bill be not printed was adopted.

The bill was read second time and passed to its third reading.

On motion of Senator Woodward, the constitutional rule requiring bills to be read on three several days was suspended and House Bill No. 836 put on its third reading and final passage by the following vote:

Yeas—29.

Alderdice.	Johnson of Hall.
Bailey.	Johnston of Harris.
Bee.	King.
Buchanan of Bell.	Lattimore.
Buchanan of Scurry.	McCollum.
Caldwell.	McNealus.
Clark.	Page.
Dayton.	Parr.
Dean.	Robbins.
Decherd.	Smith.
Floyd.	Strickland.
Harley.	Sulter.
Henderson.	Westbrook.
Hopkins.	Woodward.
Hudspeth.	

Absent.

Gibson.	Hall.
---------	-------

The bill was laid before the Senate, read third time and, on motion of Senator Woodward, was passed by the following vote:

Yeas—29.

Alderdice.	Johnson of Hall.
Bailey.	Johnston of Harris.
Bee.	King.
Buchanan of Bell.	Lattimore.
Buchanan of Scurry.	McColum.
Caldwell.	McNealus.
Clark.	Page.
Dayton.	Parr.
Dean.	Robbins.
Decherd.	Smith.
Floyd.	Strickland.
Harley.	Suiter.
Henderson.	Westbrook.
Hopkins.	Woodward.
Hudspeth.	

Absent.

Gibson.	Hall.
---------	-------

Simple Resolution No. 134.

(By unanimous consent.)

Whereas, There is doubt in the minds of some Senators relative to whether the Senate Rule 31 contravenes the Constitution relative to the Senate passing upon bills twenty-four hours before adjournment, therefore we move that the Senate request the Attorney General to render an opinion upon same at the earliest possible moment.

Hudspeth, Caldwell, Bee, Page.

The resolution was read and adopted.

At Ease.

On motion of Senator King, the Senate stood at ease for twenty minutes.

In the Senate.

Simple Resolution No. 127.

Senator McNealus called up and the Chair laid before the Senate Simple Resolution No. 127, as follows:

Resolved by the Senate of Texas, That the unexpended portion of the amount allowed each Senator for telegraph and telephone accounts be prorated so as to be used to make up the excess of the expenditure of those Senators who have exceeded more than the amount of twenty-five dollars allowed them, and the Secretary of the Senate is instructed to secure

the amounts of each Senator and make the distribution provided for herein.

BEE.

Senator Lattimore offered the following substitute for the resolution:

Be it resolved, That the amount paid out by the Senators for telegraph and telephone expenses be paid out of the amount set aside for such purpose in the early part of the session.

The substitute was adopted.

The resolution as substituted was adopted.

A Statement of Personal Privilege.

Mr. President and Gentlemen of the Senate:

Having been the recipient, during the several weeks of my affliction, caused from getting my shoulder broken and sustaining other injuries, of the many kind considerations of the big-hearted and generous membership of this body, for all of which I am profoundly grateful, it is my earnest desire to express to you, and each of you, my sincere thanks for your kindness toward me and my family during our misfortune.

I assure you that no man could appreciate more than I the generous spirit shown by you in many ways too numerous to mention, and especially by your resolution adopted on January 18, in which you resolved to furnish to me such medical aid and nurses as might be necessary to be paid for out of the contingent fund of the Senate. And, while I have not accepted any payment on same out of said fund, I am just as appreciative of the spirit in which the offer was made and just as thankful for same as it is possible for any one to be.

In this connection I desire to say that the Thirty-fifth Senate is composed of as big-hearted and generous men, who will do as much for any one in need, as can be found anywhere in all the wide world. And having had the pleasure of being associated with such a body of noble men, and the misfortune of being so placed as to test your fidelity and friendship, which I found to be ever true and unwavering, I crave the personal privilege of placing this feeble expression of my appreciation of you and thanks to you in the Senate Jour-

nal of today that you may ever hereafter be reminded by same that so long as I live my debt of gratitude to you shall never be forgotten.

WILL D. SUITER.

House Bill No. 258—Refusal to Take Up.

Senator Westbrook asked for unanimous consent to take up:

H. B. No. 258, A bill to be entitled "An Act to prohibit the lavish or corrupt use of money in primary elections; providing for what purpose money may be used in primary elections; providing that every candidate shall include in his expense account an averment that he has not violated the provisions of this Act, provided no person shall directly or indirectly use money or other things of value to promote or defeat the nomination of any candidate or candidates, providing that any candidate violating this Act shall not be allowed to have his name on the official ballot at the general election, as the official nominee of his party, and providing that violations of this Act shall be a felony, and providing for the punishment in cases of conviction under this Act."

There was objection, and the bill was not laid before the Senate.

(Senator Suiter in the chair.)

Simple Resolution No. 135.

(By unanimous consent.)

Whereas, The Senate has been favored by the press of this State with a high class amiable and splendid reportorial force, reporting accurately the proceedings of this body; and,

Whereas, It is due this courteous body of reporters and splendid type of American citizenship that we extend to them the thanks of this body, and the papers they represent, for the able, intelligent manner in which they have reported the proceedings of the Senate during the Thirty-fifth Regular Session. And that a copy of this resolution be handed to these gentlemen to be transmitted to the newspapers of this State that they represent here in a reportorial capacity.

HUDSPETH.

The resolution was read and adopted.

Recess.

At 12:00 o'clock noon, on motion of Senator McNealus the Senate recessed until 2:00 o'clock p. m. today.

After Recess.

(Afternoon Session.)

The Senate was called to order by the Secretary, John D. McCall, who, by unanimous consent, announced that the Senate would stand at ease for fifteen minutes.

(Lieutenant Governor Hobby in the chair.)

Senate Bill No. 376—House Amendments Concurred In.

Senator Clark called up for consideration of House amendment to

S. B. No. 276, A bill to be entitled "An Act to amend Sections 7, 9 and 38 and add a new section thereto to be known as Section 42a, and extending the provisions of said act to the counties of McMullen and Atascosa, of Chapter 49 of the General Laws of the State of Texas for the year 1901, entitled 'An Act to create a more efficient road system for Fayette, Uvalde and Frio counties, Texas.'"

The following House amendment was laid before the Senate:

Amend Senate bill No. 376 by striking out "Uvalde, Frio, McMullen and Atascosa counties" wherever they appear in the bill.

On motion of Senator Clark the Senate concurred in the amendment.

Opinion of Attorney General.

Austin, Texas, March 21, 1917.

Hon. John D. McCall, Secretary of the Senate, Capitol.

Dear Sir: You transmit to this department the following resolution, signed by Senators Hudspeth, Caldwell, Bee and Page:

"Whereas, There is doubt in the minds of some Senators relative to whether the Senate Rule No. 31 contravenes the Constitution relative to

the Senate passing upon bills 24 hours before adjournment.

"Therefore, We move that the Senate request the Attorney General to render an opinion upon same at the earliest moment possible."

Replying to the subject-matter of the resolution, you are respectfully advised that in the opinion of the Attorney General's Department, under Section 11 of Article 3 of the Constitution, of the State of Texas, the Senate has the power to adopt rules, regulating its own proceedings. Pursuant to this section, it appears that the Senate adopted Rule 31, which rule is, in effect, as follows:

"No vote shall be taken upon the passage of any bill within the last 24 hours of the session unless it be to correct an error therein."

Rule 31 is not, in the opinion of this Department, in contravention of any constitutional provision, but, on the contrary, should be so construed that it will be in harmony with the various provisions of the Constitution, which, in effect, permit the consideration and passage of bills at any time during the session.

In our opinion, the Senate had the authority to adopt Rule 31 and likewise would have the authority to abrogate this rule, but the rule itself, so long as it stands, is not violative of any provision of the Constitution.

Yours very truly,

W. A. KEELING,
Assistant Attorney General.

Special Committees Appointed.

I appoint the following committee on Nominations of the Governor: Johnston of Harris, Bee, Caldwell, Dayton, Henderson, Lattimore, Page, Smith, Woodward.

W. P. HOBBY,
Lieutenant Governor.

I appoint on the committee provided for in House bill No. 652, Senators Dayton and Bee.

W. P. HOBBY,
Lieutenant Governor.

Simple Resolution No. 136.

(By unanimous consent.)

Whereas, The reception room, Sergeant-at-Arms' room, and the

finance room are often used by loungers while the Senate is not in session; therefore,

Be it resolved, That the Superintendent of Public Buildings and Grounds be instructed, and is hereby instructed to keep said rooms locked and kept closed until the Senate reconvenes, also the Superintendent of Public Buildings and Grounds be instructed and is hereby instructed to not permit any use of the Senators' desks or any interference with the locks on same.

CLARK.

The resolution was read and adopted.

Simple Resolution No. 137.

(By unanimous consent.)

Whereas, The Thirty-fifth Regular Session of the Senate of Texas has been favored by having in its employ and efficient and faithful corps of young lady stenographers; and,

Whereas, The services of these stenographers have greatly facilitated the business of the Senate, and while at times their work may have been tedious and trying, they have been smiling and gracious and faithful; and therefore,

We, the members of the Thirty-fifth Senate, extend to said beautiful young lady stenographers our thanks for the service they have rendered, and assure them same is duly appreciated.

Hudspeth, Alderdice, Bailey, Bee, Buchanan of Bell, Buchanan of Scurry, Caldwell, Clark, Dayton, Dean, Decherd, Floyd, Gibson, Hall, Harley, Henderson, Hopkins, Johnson of Hall, Johnston of Harris, King, Lattimore, McCollum, McNealus, Page, Parr, Robbins, Smith, Strickland, Suiter, Westbrook, Woodward.

The resolution was read and adopted.

Simple Resolution No. 138.

Be it Resolved by the Senate of Texas, That the thanks of the members of the Thirty-fifth Senate be extended to the citizens of Austin, The Country Club, the Elks Club and the Austin Press Club for courtesies shown the members of this Senate.

during the Regular Session of the Thirty-fifth Legislature.

LATTIMORE.
HUDSPETH.

The resolution was read and adopted.

Notification Committees.

Senator Hudspeth made the following motion in writing:

I move you that a committee of three Senators be appointed by the Chair to notify the House and three Senators to notify the Governor that the Senate has about completed its business and is now ready to adjourn.

HUDSPETH.
DAYTON.

The motion prevailed, and the Chair appointed the following committees:

To notify the Governor, Senators Dayton, Page, Woodward.

To notify the House, Senators Dean, Johnston of Harris, Hall.

Simple Resolution No. 139.

Be it Resolved by the Senate of Texas, That we congratulate the white winged dove of peace that it has taken up its permanent abode in the Senate Chamber of the State of Texas, and we trust that its descendants and successors will never cease to rest there.

LATTIMORE.

The resolution was read and adopted.

Simple Resolution No. 140.

(By unanimous consent.)

Whereas, In obedience to the call of the President of the United States, at a time when the honor and integrity of our country was involved, the National Guard of the several states of this Union responded to the patriotic impulses of our noblest traditions, and come to the Texas border to defend our homes, our property, and our National honor; and,

Whereas, Their conduct, patriotism, unselfish service and military

skill was of such high order, as to redound to the honor of our country, and reflect undying credit upon our citizen soldiery; therefore,

Be it Resolved by the Senate of the State of Texas, That we extend our thanks to the National Guard of the several States that have done service on our border and commend them for their unselfish and patriotic duty, and denounce as unfair the statement of men high in authority that the National Guard is inefficient.

HARLEY.

The resolution was read and adopted.

Simple Resolution No. 141.

Be it Resolved by the Senate of Texas, That the thanks of the Senate be tendered to Hon. W. P. Hobby, Lieutenant Governor, and Hon. Jno. M. Henderson, President Pro Tem., for the able, fair and impartial rulings which have marked the proceedings of the Thirty-fifth Senate.

Lattimore, Alderdice, Bailey, Bee, Buchanan of Bell, Buchanan of Scurry, Caldwell, Clark, Dayton, Dean, Decherd, Floyd, Gibson, Hall, Harley, Hopkins, Hudspeth, Johnson of Hall, Johnston of Harris, King, McColium, McNealus, Page, Parr, Robbins, Smith, Strickland, Sulter, Westbrook, Woodward.

The resolution was read and adopted.

Simple Resolution No. 142.

(By unanimous consent.)

Be it Resolved by the Senate of Texas, That the President Pro Tem. Ad Interim, the handsome dignified and courteous Senator from Fannin, Senator Gibson, be extended the thanks of the Senate for the fair impartial and able manner in which he presided over this body during this session.

HUDSPETH.
CALDWELL.
PARR.
WOODWARD.

The resolution was read and adopted.

Post-Session Clerical Work.

Committee Room,
Austin, Texas, March 19, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: We, your committee appointed to arrange and provide for the printing of the Senate Journal for the Regular Session of the Thirty-fifth Legislature, and to report and recommend such officers and employes as shall be retained after adjournment and to specify their duties, number of days, pay, etc., beg leave to report as follows:

1. That 250 volumes of the Senate Journal of the Regular Session, when completed, shall be printed and shall be bound in full law sheep, and that one volume when thus bound shall be forwarded by the Secretary of State to each member of the Senate and to each Representative, and the remainder shall be retained by the Secretary of State. The printing of such Senate Journals in permanent form shall be done in accordance with the pre-existing law and with the provisions of this resolution under the supervision of the Journal Clerk of the Senate; and it is further provided that the Journals herein provided for shall be delivered to the Journal Clerk of the Senate within sixty days after the last copy shall have been furnished to the contractor. And it is further provided that it shall be the duty of the Journal Clerk of the Senate not to receive or receipt for said Senate Journals until correctly published as required herein and by pre-existing law.

When said Journals have been published and the account approved by the State Printing Board, the same shall be paid for out of the contingent expense funds of the Regular Session of the Thirty-fifth Legislature that are available; provided, that the chairman of the Committee on Contingent Expenses shall not issue voucher for said amount until the Journal Clerk has certified to him that the Journal has been published and delivered in accordance with the provisions of this resolution.

2. We recommend that the Journal Clerk, T. H. Yarbrough, be retained for eighty days after adjournment, or so much thereof as neces-

sary, and that he be allowed for his services \$7.50 per day, and that he be instructed to prepare and deliver to the public printer the Journal of the Senate, together with a complete index to same, and to deliver to the Secretary of State all documents, bills, etc., and Journals by law required to be delivered to him by the Secretary of the Senate.

3. That W. E. Conn, the Calendar Clerk, be retained two days after adjournment, and that he be instructed to check up, index and arrange such bills, books, resolutions and other documents as may remain in his possession and deliver same to the Secretary of the Senate, at \$5.00 per day.

4. We recommend that the Sergeant-at-Arms, M. F. Hornbuckle, be instructed to immediately prepare a complete and itemized duplicate inventory of all property of the Senate, including all furniture and property in the Lieutenant Governor's room and in the reception room, with marks of identification entered on the invoice; such inventory to show the condition and probable value of such property, and that each copy of each inventory to be approved by the President of the Senate, and to be delivered by the Sergeant-at-Arms to the Superintendent of Public Buildings and Grounds, and one copy to the Secretary of State upon adjournment of this Legislature; and that the Sergeant-at-Arms and J. A. Kenny be allowed two days after adjournment at \$5.00 per day to deliver said property to the Superintendent of Public Buildings and Grounds, taking his receipt for same, which shall be delivered to the Secretary of State and filed and kept by him, and said receipt shall be delivered by the Sergeant-at-Arms of the Senate at the next Special or Regular Session of the Legislature as soon as said Sergeant-at-Arms has been elected and qualified; and that the said Sergeant-at-Arms be allowed three porters, Irwin Hatcher, Andrew Murphy and Will Carpenter, for two days to assist him, to be paid \$2.00 per day, and this to be paid out of the appropriation of the per diem of members, officers, clerks and employes.

5. We recommend that the Assistant Engrossing Clerk, Mrs. Stell-

fox, and the Enrolling Clerk, J. J. Allbright, each be required to deliver to the Secretary of the Senate all books and documents belonging to the Senate in their possession upon the adjournment of the Legislature, and that J. J. Allbright be retained two days after adjournment and Mrs. Stellfox be retained one day after adjournment, each shall be paid \$5.00 per day.

6. We recommend that the Secretary of the Senate, John D. McCall, be retained twelve (12) days and be instructed to complete the duties as Secretary in completing the record of the Executive Session, and deliver all records and documents to the Journal Clerk as is required of him and shall be paid the sum of \$7.00 per day.

7. And that the above amounts be paid out of the contingent expense or per diem appropriation for the Thirty-fifth Legislature.

8. That the postmistress, Mrs. Clyde D. Smith, be requested to make out a list of the Senators and employes of the Senate, with their respective postoffice addresses, and furnish the same to the postmaster at Austin, with the request that he forward their mail to their respective addresses after adjournment, and that she be paid for five days' time at \$5.00 per day.

9. That the expenditures under this resolution may be paid out of the contingent or per diem funds of the Regular Session of the Thirty-fifth Legislature; that \$100.00 or as much thereof as may be necessary, shall be appropriated out of such contingent expense funds to pay postage or express charges on Journals sent out.

King, Chairman; Page, Hopkins, Hudspeth, Lattimore.

The report of the committee was read and adopted.

Election of President Pro Tem.

The Chair here announced that nominations were in order for the election of a President pro tem.

Senator Clark placed in nomination for this place Senator Westbrook.

Senators Johnson, Gibson, Bee, Hudspeth, Page, Harley, Dean, King, Dayton, and Lattimore seconded the

nomination, and Senator Lattimore sent up and had the Secretary read as a portion of his nominating speech the following rhyme:

Here's to the Senator who hails from
old Hunt,
Whoever would skin him, is sure to
get skunt,
Whoever would run him, is sure to
get runt,
Whoever would sting him will sure
do some stunt,
Whoever would bat him makes only
a bunt.

He's a royal good fellow
With no streak of yellow.
So here's to the Senator who hails
from old Hunt,
A deep dyed witchburner,
He's no kind of turner,
So here's to the Senator who hails
from old Hunt.

There being no other nominations, the Chair announced that nominations were closed, and directed the Senators to prepare their ballots.

Senators Parr, Alderdice and Bailey were appointed tellers, and announced that Senator Westbrook had received 27 votes, a majority of all the votes cast.

The Chair, Lieutenant-Governor Hobby, declared Senator Westbrook duly and constitutionally elected President Pro Tem. of the Senate for the interim preceding the organization of the First Called Session of the Thirty-fifth Legislature.

Senator Westbrook was escorted to the bar of the Senate and took the constitutional oath of office, which was administered to him by Lieutenant Governor Hobby.

Being presented to the Senate, President Pro Tem. Westbrook addressed the Senate briefly.

(President Pro Tem. Westbrook in the chair.)

Simple Resolution No. 143.

(By unanimous consent.)

Resolved, That the mailing clerk, Miss McClendon, be retained for two days after adjournment at five dollars per day, to be paid out of the contingent expense fund, to mail out the Journal of the last day.

CALDWELL.

The resolution was read and adopted.

House Bill No. 481.

The Chair laid before the Senate on third reading:

H. B. No. 481, A bill to be entitled "An Act to amend Article 3944 of the Revised Statutes of Texas, 1911, for the issuance of citation and service thereof, relating to forcible entry and detainer; and further providing that in case the plaintiff shall file a bond in sum in an amount to be fixed by the justice of the peace issuing such citation shall be placed in possession of the property unless the defendant shall within six days from the service of citation execute and deliver to the officer serving such citation a bond in a sum at least double the amount of the bond executed by the plaintiff and to be approved by said officer; conditioned that the defendant will pay all rent that may be due or owing at the time of the execution of said bond and all rent that may be due or owing when said case is finally tried, and all costs of suit in case judgment is rendered against him."

The bill was laid before the Senate, read third time and, on motion of Senator Henderson, was passed finally.

Notification Committee Reports.

The notification committee of the Senate, previously named to notify the House, here reported that they had performed their duties, and were discharged.

Senate Notifies the Governor.

Here the committee to notify the Governor of the adjournment hour of the Senate reported with the following communication from the Governor:

Executive Office,
Austin, Texas, March 21, 1917.

To the Senate of Texas.

Your committee appointed to notify this office that you had about finished your labors and are ready to adjourn sine die have performed their duties and the Governor has received the message.

The Governor extends to each Senator his thanks for the way they have conducted the business of the State and for the wholesome laws they have enacted, and he wishes each member of the Senate a safe journey home and a safe return to the special session that will be called in the near future.

It is the desire of this Department that you may find everything at home in good condition and that your private affairs have not suffered by reason of your public service. With kindest regards, I am,

Yours respectfully,
JAMES E. FERGUSON,
Governor.

Messages From the House.

Hall of the House of Representatives,
Austin, Texas, March 21, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House concurs in Senate amendments to House bills Nos. 157 and 355.

Respectfully,

BOB BARKER,
Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, March 21, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House concurs in Senate amendments to House bills Nos. 389, 692, 584.

Respectfully,

BOB BARKER,
Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, March 21, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House concurs in Senate amendments to House bill No. 577.

Respectfully,

BOB BARKER,
Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, March 21, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: I am directed by the House

to inform the Senate that the House concurs in Senate amendments to House bill No. 832.

Respectfully,
BOB BARKER,
Chief Clerk, House of Representatives.

House Bill No. 832.

The Chair laid before the Senate on second reading:

H. B. No. 832, A bill to be entitled "An Act to provide for the maintenance and keeping of private lots in cemeteries."

The committee report that the bill be not printed was adopted.

Senator Caldwell offered the following amendments, which were read and adopted, being voted upon separately:

Amend H. B. No. 832 by adding thereto Section 5 to read as follows:

"Section 5. The near approach of the end of this session of the Legislature together, with the importance of the subject matter herein contained and the crowded condition of the calendar, creates an emergency and an imperative public necessity that the constitutional rule requiring that bills be read on three several days be suspended and said rule is suspended and this Act take effect and be in force from and after its passage, and it is so enacted."

Amend the caption of H. B. No. 832 by adding at the end of said caption the words "and declaring an emergency."

The bill was read second time and passed to third reading.

On motion of Senator Caldwell, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 832 put on its third reading and final passage by the following vote:

Yeas—25.

Bee.	Hopkins.
Buchanan of Bell.	Hudspeth.
Buchanan of Scurry.	Johnson of Hall.
Caldwell.	Johnston of Harris.
Clark.	King.
Dayton.	Lattimore.
Dean.	McCollum.
Decherd.	McNealus.
Hall.	Page.
Harley.	Parr.
Henderson.	Smith.

Sulter.
Westbrook.

Woodward.

Absent.

Alderdice.
Bailey.
Floyd.

Gibson.
Robbins.
Strickland.

The bill was laid before the Senate, read third time and, on motion of Senator Caldwell, was passed finally.

House Bill No. 498 Postponed.

Senator Buchanan of Bell asked for unanimous consent to take up H. B. No. 498.

Senator Buchanan of Bell moved to suspend Senate Rule No. 31 in order that the Senate might consider H. B. No. 498, and the motion was lost by the following vote:

Yeas—11.

Alderdice.	Harley.
Bee.	Hudspeth.
Buchanan of Bell.	Johnson of Hall.
Buchanan of Scurry.	McNealus.
Caldwell.	Westbrook.
Floyd.	

Nays—10.

Bailey.	Johnston of Harris.
Clark.	King.
Dayton.	Lattimore.
Dean.	Page.
Decherd.	Smith.

Absent.

Gibson.	Parr.
Henderson.	Robbins.
Hopkins.	Sulter.
McCollum.	Woodward.

Pair Recorded.

Senator Hall (present), who would vote "yea"; Senator Strickland (absent), who would vote "nay."

On motion of Senator Page further consideration of H. B. No. 498 was postponed indefinitely.

Recess.

At 4:20 o'clock p. m. on motion of Senator Clark, the Senate recessed until 5:00 o'clock today.

After Recess.

The Senate was called to order by President Pro Tem. Westbrook.

House Notification Committee.

Here a committee of three members from the House appeared at the bar of the Senate and reported that the House had completed its labors for the Regular Session of the Thirty-fifth Legislature, and was ready to adjourn.

Bills Signed.

The Chair (Lieutenant Governor Hobby) gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills:

S. B. No. 267, a bill to be entitled "An act to define a delinquent child and to regulate the treatment and control of same; providing for commitment of the delinquent and incorrigible juvenile in the State institution to be hereafter known as the State Training School for Boys, located at Gatesville, Coryell County, Texas; and to provide for the appointment by the Governor of six trustees, and defining the duties of said trustees; and providing that the trustees shall appoint a superintendent to manage said institution upon the advice and consent of the Governor, and fixing his salary; and providing further that the superintendent shall appoint such other officers and employees as may be necessary for the management of said institution, by and with the consent of the Board of Trustees; and providing further that the Board of Trustees shall fix the salaries and define their duties; and providing further that the said Board shall formulate by-laws, rules and regulations for the economic and efficient government and control of said institution, having in view the object to be accomplished by this Act. Said by-laws, rules and regulation when adopted by said board and approved by the Governor, shall become binding and of obligatory force upon the trustees, superintendent, subordinate officers, employees and inmates of said institution, and it shall be the duty of the trustees to see to the enforcement of said rules. And providing further for a public school at said in-

stitution as now provided for by Articles 2733 and 2734 of the Acts of the Legislature of 1905. And providing further that the trustees appointed by the State Superintendent for the management of said public school at said institution shall have full and complete control of said public school and said Board shall appoint a principal for the management of said school and such other teachers as may be necessary for the maintenance of said school. And said Board of Trustees shall be under the control and shall act and carry out the instructions given them by the State Superintendent of Public Instruction, and in the event that said trustees fail or refuse to carry out the instructions given them by the said Superintendent of Public Instruction of the State of Texas, then the State Superintendent of Public Instruction shall remove them and appoint some one to take their place and shall withhold the public funds that has or may be set apart for the payment of the teachers of said institution, and providing further that the trustees appointed by the State Superintendent for the management of said public school shall maintain a public school for the benefit of the children and appoint teachers for that purpose by the consent of the State Superintendent of Public Instruction, and providing for penalty for the violation of this Act, and declaring an emergency."

S. B. No. 376, A bill to be entitled "An Act to amend Sections 7, 9 and 38, and add a new section thereto to be known as Section 42a, and extending the provisions of said Act to the counties of McMullen and Atascosa, of Chapter 49, of the General Laws of the State of Texas for the year 1901, entitled 'An Act to create a more efficient road system for Fayette, Uvalde and Frio counties, Texas.'"

H. B. No. 755, A bill to be entitled "An Act creating a special road law for Eastland County."

H. B. No. 73, A bill to be entitled "An Act declaring it the duty of the owner entitled to the beneficial use, rental or control of, or in case of a non-resident, the occupant or lessee of any building three or more stories in height, constructed, used or intended to be used, as a hospital, seminary, college, academy, schoolhouse, dormitory, hotel, lodging house, apartment house, rooming house, boarding house, thea-

ter, or any place of public amusement, lodge, hotel, or any hall used for public gatherings, or any manufacturing establishment, or industrial plant, wholesale or retail store, work shop, warehouse, office building, or any building erected by any municipal, county or State authority wherein public assemblies are permitted, or sleeping apartments are provided on any floor above the second, to erect and fix on every such building one or more adequate fire escapes; defining the number of such fire escapes; providing the number of fire escapes for six or more stories in height; providing the location of fire escapes; providing for the erection of stairways, character, kind and number of stairways which are to be constructed, and the location of the same; defining what shall be considered a story of a building within this Act; defining adequate fire escapes; conferring certain duties relative to the administration of this Act upon the fire marshal of the State Fire Insurance Commission; providing that guide signs and exit lights shall be placed in buildings within the terms of the Act and making it unlawful to obstruct in any manner fire escapes or corridors leading thereto; declaring that the fire marshal of the State Fire Insurance Commission shall have general charge and supervision of the enforcement of the provisions of this Act; making it the duty of the inspectors of the State Fire Insurance Commission or chiefs of fire departments and fire marshals of the State to assist said fire marshal of the State Fire Insurance Commission; providing for the issuance and service of notices in cases where fire escapes should be erected on buildings; provided that the occupant or lessee of any building who is required to erect fire escapes under this Act shall be entitled to reimburse themselves for the cost and expense of erecting fire escapes, out of the rent or lease money of said premises; conferring certain authority upon the Attorney General of the State, and county and district attorneys and making it the duty of the latter, upon the direction of the Attorney General, to bring action by injunction for the enforcement of this Act; authorizing the court to take charge of buildings where fire escapes have not been erected by writ of sequestration; creating and defining offenses in violation of this Act, prescribing the punishment therefor;

repealing all laws and parts of laws in conflict with this Act, and declaring an emergency."

H. B. No. 339, A bill to be entitled "An Act to define a delinquent negro child, and to regulate the treatment and control of same; providing for commitment of the delinquent and incorrigible negro juveniles in the State institution to be hereafter known as the State Training School for Negro Boys, located at Rusk, Henderson County, Texas; and to provide for the appointment by the Governor of six trustees, and defining the duties of said trustees, etc., and declaring an emergency."

H. B. No. 792, A bill to be entitled "An Act creating and incorporating the Karnes City Independent School District in Karnes county, etc., and declaring an emergency."

H. B. No. 361, A bill to be entitled "An Act to amend Sections 565 and 566, Code of Criminal Procedure of the State of Texas, to enable an indicted person to enter his plea of guilty and proceed to serve his sentence when court is not in session in the particular county where venue would lie, and providing for the attendance of witnesses; fixing fees of the sheriff and witnesses, and repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

H. B. No. 216, A bill to be entitled "An Act for the protection of citizens of this State, and of the United States, and citizens of countries having equal treaty rights with the United States on behalf of their citizens, who may be killed or injured in a foreign state or country, and providing for the procedure of trying such suits and causes of action in the courts of the State of Texas, and providing compensation therefor, and declaring an emergency."

H. B. No. 619, A bill to be entitled "An Act to prevent the selling of bass and white perch, or crappy, taken from the fresh waters in the county of Coryell, State of Texas; making it unlawful to use any dynamite or other explosives in the killing or catching of any fish in any of the fresh waters of said county, and providing a penalty for the violation thereof; prohibiting the use of any seine, drag net, trammel net or other net other than a minnow seine, which shall not be more than ten feet in length and the meshes of which shall not be smaller than one-

fourth inch; limiting the number of fish to be taken in any one day; providing that the district judge of the judicial district in which Coryell County is situated shall give a special charge upon this law to the grand juries of Coryell County; providing a penalty for the violation hereof, and declaring an emergency."

H. B. No. 584, A bill to be entitled "An Act to fix a uniform date upon which officers elected at a general election shall qualify and assume the duties of their respective offices, and repealing all laws and parts of laws in conflict herewith."

Senate Rule 31—Invoked.

Pending the signing of H. B. No. 513, Senator Hudspeth made the following point of order:

I make the point of order that House bill No. 513 cannot be signed by the President of the Senate, owing to the fact that it was passed after the 24 hour period, which, under Senate Rule 31, provides that no bill shall be considered 24 hours before final adjournment, and that the signing of the bill is in violation of that rule.

PAGE.
HUDSPETH.

The point of order was overruled. Senator Hudspeth appealed from the ruling of the Chair.

President Pro Tem. Henderson was called to the chair and presided.

Question—Shall the Chair be sustained?

The Senate sustained the ruling of the Chair by a viva voce vote.

Bills Signed.

The Chair (Lieutenant Governor Hobby) gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills:

H. B. No. 513, A bill to be entitled "An Act to amend Chapter 67 of the Acts of the Regular Session of the Thirty-third Legislature of the State of Texas, as amended by Chapter 31 of the Acts of the First Called Session of the Thirty-third Legislature,

and the same is hereby amended so that Sections 2, 3, 4 and 5 of said Chapter 31 shall be divided into seven sections, to be known in said chapter as Sections 2, 3, 4, 5, 5a, 5b and 5c, reading as shown below; also by amending Section 9 of Chapter 31, so that it will read as shown below.

H. B. No. 257, A bill to be entitled "An Act to provide for the placing of short term male State convicts upon public roads; to define short term male convicts and rules governing them while employed upon the public highways; to give counties authority to secure State convicts through petition of the commissioners court to the Penitentiary Commission to recommend the placing of such convicts upon their honor as their merit will justify when such transfer is made from the State farms or the walls to public roads; making it mandatory for the commissioners court thus petitioning to provide railroad fare from penitentiary farms to point of destination; to provide for commutation of sentence for good behavior and service; giving the commissioners court authority to pay for transportation of convicts by warrants drawn upon the road and bridge funds of the county so petitioning; also authority to draw warrants upon road and bridge fund for maintenance of convicts for food, raiment and medical purposes."

H. B. No. 829, A bill to be entitled "An Act to amend Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15 and 16 of the special road laws of Cass County Texas enacted by the Regular Session of the Thirty-third Legislature 1913, which became effective March 5, 1913, same being 'An Act to create a more efficient road law for Cass County, making the county commissioners ex officio road supervisors, defining their duties and fixing their salaries; providing for the appointment of a civil engineer and naming the salary of said civil engineer.'"

H. B. No. 157, A bill to be entitled "An Act requiring the commissioners court to publish notice of the time and place of the letting of any contract calling for or requiring the expenditure of five hundred dollars or more, of submitting same to competitive bids, and of publishing notice of the proposed letting of such contracts, and providing that contracts

made in violation of this Act shall not be enforced and may be enjoined."

H. B. No. 355, A bill to be entitled "An Act to amend Article 854, Title 22, Chapter 4, Revised Civil Statutes of 1911, as amended by Senate bill No. 342, Chapter 152, page 326, of the General Laws of the State of Texas, passed by the Thirty-third Legislature at its Regular Session, so as to provide for working of the streets by male inhabitants of cities and towns incorporated under the General Laws, not exceeding five days for each year; and providing for the payment of money in lieu of such work; and authorizing such cities and towns to enforce such provisions by appropriate ordinances, and including the fixing of penalties and fines for violation thereof."

H. B. No. 836, A bill to be entitled "An Act to amend Section 10, Chapter 76, Local and Special Laws passed by the Regular Session of the Thirty-second Legislature, being an Act to amend Section 10 of Chapter 79, General Laws passed by the Twenty-seventh Legislature, which said chapter was also amended by Acts of the Thirty-first Legislature of the State of Texas, creating a more efficient road system for Brown County, Texas, and declaring an emergency."

H. B. No. 389, A bill to be entitled "An Act to amend Article 1210, Chapter 1, Title 17 of the Penal Code of the State of Texas."

H. B. No. 701, A bill to be entitled "An Act to amend Chapter 124 of the General Laws of the State of Texas passed by the Thirty-fourth Legislature at its Regular Session and entitled 'An Act to amend Articles 7608, 7610 and 7618 of the Revised Civil Statutes of the State of Texas, 1911, relating to taxation, providing for a maximum bond of tax collectors, fixing the time for filing by tax collectors of their report, and repealing all laws and parts of laws in conflict therewith, and declaring an emergency,' providing for a reduction in the amount of the bonds required under the provisions of said Articles 7608 and 7610, and further providing that the premiums on such bonds may be paid by the county of which the principal therein is the tax collector, out of the general revenues

of the county, and declaring an emergency."

H. B. No. 551, A bill to be entitled "An Act to amend Chapter 3, Title 124, of the Revised Civil Statutes of 1911, so as to take the counties of Wharton, Fort Bend, Matagorda and Brazoria from the counties exempted by Article 7184 of said Act, and place said counties under the provisions of said Title 124, Chapter 3."

H. B. No. 577, A bill to be entitled "An Act to prevent the introduction into and the dissemination in this State of insect pests and plant diseases injurious or harmful to plants and plant products, vesting the enforcement thereof in the Commissioner of Agriculture, and defining his powers and duties."

H. B. No. 288, A bill to be entitled "An Act to amend Article 5661, Revised Civil Statutes of Texas, 1911, Title 86, Chapter 7, relating to the registration of chattel mortgages, and to provide the effect to be given to the registration to such mortgages, where the same relates to property sold to be thereafter attached to the realty as a fixture; to provide for a special book in which such chattel mortgages shall be registered; to regulate the manner of registering the same, and to repeal all laws in conflict herewith."

H. B. No. 117, A bill to be entitled "An Act to amend Chapter 1, Title 49, of the Revised Civil Statutes of Texas, 1911, providing for the time and place of holding of elections, by adding thereto Article 2919a, providing that in all instances where practicable, all elections shall be held in some school house, fire station or other public building within the limits of the election precinct without charge therefor, except for actual additional expenses, and authorizing such use of public buildings, and declaring an emergency."

H. B. No. 844, A bill to be entitled "An Act to reorganize the Thirty-eighth and Sixty-third Judicial Districts of the State of Texas; and prescribe the time, and fix the terms of holding the courts of each of said judicial districts; and to conform all writs and process from such courts to such changes, and to make all process issued or served before this Act takes effect, including recognizances and bonds returnable to the terms of the courts in the several

districts as herein fixed; to validate process and to validate the summoning of grand and petit jurors and juries; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

H. B. No. 732, A bill to be entitled "An Act making an appropriation of \$1799.66 for the purpose of supplementing existing appropriations and the payment of the salaries of certain employes, etc., in the Department of Superintendent of Public Buildings and Grounds for the months of February to August, 1917, both inclusive, fixing the salaries for such time and for the purpose of paying one-half of the expense of certain paving and declaring an emergency."

H. B. No. 843, A bill to be entitled "An Act amending Chapter 115, page 446, of the Special Laws of the Regular Session of the Thirty-third Legislature of the State of Texas, entitled 'An Act to authorize and empower Zavala County or any political subdivision or other defined district to issue bonds, etc.,' by adding Section 15a thereto, providing for a salary and per diem for the members of the commissioners court of said county, while acting as ex officio road commissioners, and declaring an emergency."

H. B. No. 832, A bill to be entitled "An Act to provide for the maintenance and keeping of private lots in cemeteries."

H. B. No. 681, A bill to be entitled "An Act to authorize the city council, board of aldermen, or other governing body of any city or town in this State, whether operating under special charter or the general law, to appropriate at the end of each fiscal year, so much of the net revenues of any waterworks system or other public utility system, service or enterprise owned by said city or town as such body shall deem to the best interest of said city or town, to the payment of the sinking fund and interest on the bonded indebtedness of such system, service or enterprise; such sum so appropriated to be used for no other purpose; providing for the levy of a tax for raising such sinking fund and interest where such appropriation is insufficient as herein provided, and declaring an emergency."

H. B. No. 222, A bill to be entitled "An Act to amend Article 4621, Chap-

ter 32, of the General Laws of the Thirty-third Legislature of Texas, passed at the Regular Session thereof, being 'An Act to amend Articles 4621, 4622 and 4624, Title 68, Chapter 3, of the Revised Statutes of Texas, 1911, concerning the marital rights of parties, defining separate and community property of the husband and wife, conferring upon the wife the power to make contracts, authorizing suits on such contracts, giving the wife control over her separate property, placing limitations upon such control, giving her control over the rents from her separate real estate, interest on bonds and notes, and dividends on stock owned by her, and over her personal earnings, exempting the same from debts contracted by the husband, providing that the joinder of the husband shall be necessary to a conveyance or encumbrance of the wife's lands, bonds and stocks, except that upon the order of the district court she may convey the same without the joinder of her husband, repealing Article 4625, Title 68, Chapter 3, of the Revised Statutes of Texas, 1911, and all other laws and parts of laws in conflict herewith, and declaring an emergency,' by providing that when the husband shall have permanently abandoned the wife, or shall be insane she may upon order of the district court, encumber, transfer or convey her separate real estate, bonds and stocks, without the joinder of her husband in such encumbrance, transfer or conveyance, and by providing that in such instances, upon order of the district court, she may transfer and convey her separate real estate, without the joinder of her husband in such transfer or conveyance, whether such separate real estate be occupied and claimed by her as a homestead or otherwise, repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

H. B. No. 481, A bill to be entitled "An Act to amend Article 3944 of the Revised Statutes of Texas, 1911, for the issuance of citation and service thereof, relating to forcible entry and detainer; and, further providing that in case the plaintiff shall file a bond in a sum in an amount to be fixed by the justice of the peace issuing such citation shall be placed in possession of the property unless the defendant shall within six days from the service of citation execute and deliver to the officer serving such citation a bond in

a sum at least double the amount of the bond executed by the plaintiff and to be approved by said officer; conditioned that the defendant will pay all rent that may be due or owing at the time of the execution of said bond and all rent that may be due or owing when said case is finally tried, and all costs of suit in case judgment is rendered against him."

H. B. No. 454, A bill to be entitled "An Act granting the right of contribution among defendants in judgment in cases arising out of tort, and declaring an emergency."

Sine Die Adjournment.

The Chair, Lieutenant Governor Hobby, here announced that the hour fixed by concurrent action of the two houses for final adjournment of the Regular Session of the Thirty-fifth Legislature had arrived, and declared the Senate adjourned without day.

APPENDIX.

Petitions and Memorials.

Senator Hudspeth offered a telegram from C. E. Kelly of El Paso, thanking the Senate for his confirmation as a member of the Board of Regents of the University.

Telegram.

St. Jo, Texas, 12:30 p. m. Mar. 21, 1917.
Senator Geo. M. Hopkins, Austin, Texas.

In behalf of school board and personally I extend to you and through you to the Senate and our friends of the Legislature congratulations for the passage of Senate Bill 470 removing the school tax limit on cities and towns. It extends an unlimited opportunity to our people for educational improvements.

JAMES R. WILEY.

Enrolling Committee Reports.

Committee Room,
Austin, Texas, March 21, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Enrolled

Bills have carefully examined and compared Senate Bill No. 376, and find it correctly enrolled, and have this day at 4 o'clock p. m. presented same to the Governor for his approval.

SMITH, Chairman.

Committee Room,
Austin, Texas, March 21, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate Bill No. 488, and find it correctly enrolled, and have this day at 10:10 o'clock a. m. presented same to the Governor for his approval.

SMITH, Chairman.

Committee Room,
Austin, Texas, March 21, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate Bill No. 208, and find it correctly enrolled, and have this day at 10:10 o'clock a. m. presented same to the Governor for his approval.

SMITH, Chairman.

By Bee.

S. B. No. 208.

An Act forbidding transaction of business in Texas under an assumed name other than the real name or names of the individuals conducting such business, unless such individuals file in the office of the clerk of the county where such business is to be conducted a certificate containing the names and addresses of such persons; providing for the keeping of special record of such certificates by the county clerks of the state; providing for a filing fee to be paid the county clerk for filing such certificates; making it a misdemeanor not to comply with the provisions of this act, and fixing a penalty for such failure, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. No person or persons shall hereafter carry on or conduct or transact business in this State under any assumed name or under any designation, name or style, corporate or otherwise, other than the real name or names of the individual or individuals

conducting or transacting such business, unless such person or persons shall file in the office of the clerk of the county or counties in which such person or persons conduct, or transact or intend to conduct or transact such business, a certificate setting forth the name under which such business is, or is to be, conducted or transacted, and the true or real full name or names of the person or persons conducting or transacting the same, with the postoffice address or the addresses of said person or persons. Said certificate shall be executed and duly acknowledged by the person or persons so conducting, or intending to conduct said business, in the manner now provided for acknowledgment of conveyances of real estate.

Sec. 2. Persons now owning or conducting such business under an assumed name or under any such designation referred to in section one, shall file such certificate as hereinbefore prescribed, within thirty days after this act shall take effect, and persons hereafter owning, conducting or transacting business as aforesaid, shall, before commencing said business, file such certificate in the manner hereinbefore prescribed.

Sec. 3. The several county clerks of this state shall keep an alphabetical index of all persons filing certificates, provided for herein, and for the index and filing of such certificates they shall receive a fee of one dollar. A copy of such certificate duly certified to by the county clerk in whose office the same shall be filed shall be presumptive evidence in all courts of law in this State of the facts therein contained.

Sec. 4. This section shall in no way affect or apply to any corporation duly organized under the laws of this State, or to any corporation organized under the laws of any other State and lawfully doing business in this State.

Sec. 5. Any person or persons owning, carrying on or conducting or transacting business as aforesaid, who shall fail to comply with the provisions of this Act, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars or by imprisonment in the county jail for a term not exceeding thirty days or by both such fine and imprisonment in the discretion of the court; and each

day any person or persons shall violate any provisions of this Act shall be deemed a separate offense.

Sec. 6. The fact that there is now no law providing for the registration of the names of persons doing business under assumed or fictitious names, and that the absence of such law impairs the stability of credits in the State, creates an emergency and imperative public necessity requiring that the constitutional rule that bills shall be read upon three several days shall be suspended, and it is hereby suspended, and this act shall take effect from and after its passage, and it is so enacted.

Committee Room,

Austin, Texas, March 21, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 258 and find it correctly enrolled, and have this day at 10:10 o'clock a. m. presented same to the Governor for his approval.

SMITH, Chairman.

By Johnston of S. B. No. 258.
Harris.

An Act to fix the venue of suits for damages for libel and slander.

Be it enacted by the Legislature of the State of Texas:

Section 1. That action for damages for libel or slander shall be brought, and can only be maintained, in the county in which the plaintiff in any such action resided at the time of the accrual of the cause of action, or in the county where plaintiff resided at the time of filing suit or in the county of the residence of the defendant or any one of them or the domicile of any corporate defendant at the election of the plaintiff.

Committee Room,

Austin, Texas, March 21, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 246 and find it correctly enrolled, and have this day at 10:10 o'clock a. m. presented same to the Governor for his approval.

SMITH, Chairman.

By Hall.

S. B. No. 246.

An Act conveying to the United States of America all right, title and interest which the State of Texas may have or hold in and to the following described tract of land, situated in the city of Galveston, county of Galveston, State of Texas, known and described on the maps and plans of said city now in common use as being the tract of land located on the dyke in Galveston Bay, described as follows: Commencing at a point on the U. S. dyke bulkhead, same being the S. W. corner of a piece of ground leased to J. P. McDonough by the City of Galveston, Texas; thence S. 76 deg. 54½ min. W. 82.8 ft. to place of beginning, same being approximately on center line of Twenty-fifth street produced; thence along said bulkhead S. 76 deg. 54½ min. W. 310.6 ft.; thence N. 28 deg. 08½ min. W. 500 ft.; thence N. 76 deg. 54½ min. E. 310.6 ft. parallel to said bulkhead; thence S. 28 deg. 08½ min. E. parallel to and 80 ft. W. of W. line of said J. P. Donough's lease 500 ft. to place of beginning; containing 3.44 acres; for the purpose of enabling the United States Government to build thereon a lighthouse depot.

Whereas, During the hurricane of August 16, 1915, the lighthouse depot near Fort San Jacinto, at the entrance to Galveston Harbor, was destroyed; and,

Whereas, There is now an insufficient lighthouse service to protect the commerce and shipping industries for the ports of Galveston, Houston and Texas City; and,

Whereas, On the 22nd day of June, 1916, the City of Galveston by an ordinance of said city duly and legally passed, granted and ceded to the United States Government the land hereinafter described, authorizing the mayor, president of the board of commissioners of the City of Galveston, to execute in the name of the City of Galveston, a deed to the property described in said ordinance; and,

Whereas, By deed duly executed on the 26th day of June, 1916, Lewis Fisher, mayor, president of the board of commissioners of the City of Galveston, in accordance with said ordi-

nance, did convey unto the United States of America said tract of land hereinafter described, for the purpose of enabling the United States of America to construct on the above described premises a wharf or plant or pier, to be used for the purpose of storage, repair and handling of its material and supplies in connection with the buoy and lighthouse of the United States; therefore,

Be it enacted by the Legislature of the State of Texas:

Section 1. That the State of Texas hereby conveys to the United States of America, all right, title and interest which the State of Texas may have or hold in and to the following described tract of land, situated in the City of Galveston and County of Galveston, State of Texas, known and described on the maps and plans of said city now in common use as being the tract of land located on the dyke in Galveston Bay, described as follows:

Commencing at a point on the United States dyke bulkhead, same being the S. W. corner of a piece of ground leased to J. P. Donough by the City of Galveston, Texas; thence S. 76 deg. 54½ min. W. 82.8 ft. to place of beginning, same being approximately on center line of Twenty-fifth Street produced; thence along said bulkhead S. 76 deg. 54½ min. W. 310.6 ft.; thence N. 28 deg. 08½ min. E. 310.6 ft. parallel to said bulkhead; thence S. 28 deg. 08½ min. E. parallel to and 80 ft. W. of W. line of said J. P. Donough's lease 500 ft. to place of beginning, containing 3.44 acres.

Sec. 2. The fact that the lighthouse service is now insufficient to protect and accommodate the shipping interests of the Ports of Galveston, Houston and Texas City, and whereas, the United States Government has made an appropriation to build a lighthouse depot on the above described land, when the State of Texas shall release any claim said State may have in and to said land, creates an emergency, and an imperative public necessity requiring the suspension of the constitutional rule requiring bills to be read upon three several days in each house, and said rule is hereby suspended, and that this Act take effect and be in force

from and after its passage, and it is so enacted.

Committee Room,
Austin, Texas, March 21, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate Bill No. 184, and find it correctly enrolled, and have this day at 10:10 o'clock a. m. presented same to the Governor for his approval.

SMITH, Chairman.

By Lattimore. S. B. No. 184.

An Act to amend, Article 7491, Chapter 10, Title 126, of the Revised Civil Statutes of Texas, so as to authorize the Comptroller to appoint and contract with persons to collect inheritance taxes.

Be it enacted by the Legislature of the State of Texas:

Section 1. From and after the passage of this Act, Article 7491, Chapter 10, Title 126, of the Revised Civil Statutes of Texas shall be and the same is hereby amended so as that the same shall read as follows:

Article 7491. The Comptroller of Public Accounts of the State of Texas is hereby authorized and empowered, and it is made his duty to appoint and contract with some suitable person or persons whose duty it shall be to look specially after, sue for and collect the taxes provided by this chapter; such person in no event to receive under such contract more than ten (10) per cent of the amount of such taxes collected hereunder, as compensation. It shall be the duty of such person, so contracted with, to make written report to the county judge of each county in which he may be appointed and employed to assist in the enforcement of this law, of each estate upon which such tax may be due, or may become due, as soon as possible after the death of any person owning such estate. Such report shall state the probable value of such estate, its character and location, if known, and the names of the persons known to be interested therein.

The amount of compensation due such person shall be paid by the

collector of taxes out of the taxes collected on property belonging to such estate, and such payment shall be deducted from said taxes by said collector and reported to the Comptroller.

It shall be the further duty of such person to aid in every possible way in the collection of such taxes.

It shall be the duty of the county judge of said county upon his own motion or petition of such appointee of said Comptroller, to appoint an administrator of every estate subject to taxation under the provisions of this chapter where no application for letters testamentary or of administration thereon is made within three (3) months after the death of the person owning such estate taxable hereunder. The person appointed by the said Comptroller may represent the State in any proceeding necessary under the provisions of this chapter to enforce the collection of such taxes but without other compensation than as provided in his original employment.

Sec. 2. The fact that there is now so little attention being paid to the collection of the inheritance tax and the necessity for the employment of suitable persons to the end that the State may derive the revenue it is entitled to and the shortness of the present session creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be, and the same is hereby suspended, and this Act shall become a law from and after its passage, and it is so enacted.

Committee Room,
Austin, Texas, March 21, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate Bill No. 449 and find it correctly enrolled, and have this day at 10:10 o'clock a. m. presented same to the Governor for his approval.

SMITH, Chairman.

S. B. No. 449.

An Act to establish at Arlington, Tarrant County, Texas, a Junior Agricultural, Mechanical and Industrial College to be known as the

Grubbs Vocational College, making an appropriation therefor and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That there is hereby established a Junior Agricultural, Mechanical and Industrial College, to be known as the Grubbs Vocational College, to be located at or near the town of Arlington, Tarrant County, Texas, provided the citizens of said town and county shall first donate to the State for the use and benefit of said college at least one hundred acres of good tillable land with perfect title, together with the college property, known as the Carlisle Military School property, with all buildings, dormitories, barracks, etc., belonging thereto.

Sec. 2. Be it further enacted that said Junior Agricultural, Mechanical and Industrial College shall be under the direction of the board of directors of the present Agricultural and Mechanical College in connection with a local board of managers composed of five members to be appointed by the Governor by and with the advice and consent of the Senate, who shall serve for two years from the date of their appointment.

Sec. 3. In all cases of vacancy in said local board of managers the appointment shall also be made from time to time as provided in the Sections of this Act, provided that if the Legislature shall not be in session, the Governor may fill such vacancy by appointment until the next session of the Legislature, when if the Senate shall not confirm the appointment some other person shall be named.

Sec. 4. That the board of local managers hereinbefore provided for shall be subject to the approval of the board of directors of the Agricultural and Mechanical College, with which this Junior College shall be closely affiliated, perform all the duties required in the efficient and successful management of said institution in like manner as other governing boards of the same character.

Sec. 5. That the board of managers shall meet as soon after their appointment as convenient at Arlington, Texas, and organize by the election of a presiding officer, a secretary and a treasurer, whose duties shall be the same as the officials of other similar boards in this State, ex-

cept that their action in all matters and especially in the formulation of courses of study, shall be subject to approval, modification or rejection by the board of directors of the Agricultural and Mechanical College.

Sec. 6. That the board of managers shall have and possess all powers necessary subject to the supervision of the board of directors of the Agricultural and Mechanical College of Texas as to accomplish and carry out the provisions of this Act the establishment of a Junior Agricultural, Mechanical and Industrial College for the education of white boys and girls in this State in the arts and sciences in which such boys and girls may acquire a good literary education of academic grade, at least, together with a knowledge of agriculture, horticulture, floriculture, stock raising and domestic arts and sciences, including the several branches and studies usually taught in the established institutions of like character with such limitations as may be imposed by the governing board of the Agricultural and Mechanical College of Texas, having in view the training of the youth for the more important industrial activities of life, while acquiring facilities for the acquiring of a good practical literary education not below the academic grade.

Sec. 7. That the board of managers in connection with the board of directors of the Agricultural and Mechanical College of Texas, shall appoint a president and professors of the Grubbs Vocational College and such officers as they may think proper and necessary to put the same into successful operation and to make such rules and regulations for the government of said officers and the proper management of said institution as they may deem advisable. They shall regulate rates of tuition with the course of discipline necessary to enforce the faithful discharge of the duties of all officers, professors and students. They shall in connection with the faculty divide the courses of instruction into departments so as to secure a thorough education of the academic grade and the best possible industrial training, selecting careful and efficient professors in each department, giving preference to Texas teachers, if available, and shall adopt all such rules, by-laws and regulation as

they may deem necessary to carry out all the purposes and objects of said institution.

Sec. 8. The board of managers shall receive such compensation as may be determined upon by the board of directors of the Agricultural and Mechanical College of Texas.

Sec. 9. The terms upon which pupils may be admitted, including the entrance requirements, shall be determined by the board of managers and the board of directors of the said Agricultural and Mechanical College of Texas, and in that respect they are empowered to fix or remit tuition, fees and charges as they may deem best for said institution and the people for whose benefit it is established.

Sec. 10. The board of managers and the board of directors of the Agricultural and Mechanical College shall determine and fix the salary of each officer, professor and employe, provided that the salaries of professors in any department shall not exceed that which is now fixed for the professors of the Agricultural and Mechanical College or the College of Industrial Arts, with which this institution is closely affiliated.

Sec. 11. That there shall be appropriated out of any moneys in the State treasury not otherwise appropriated for the year 1917 the sum of twenty-five thousand dollars, or so much thereof as may be necessary to carry into effect the provisions of this Act.

Sec. 12. The fact that there is now a pressing and rapidly increasing demand for the industrial training of the youth of Texas, for which no adequate provision has been made, and the further fact that no suitable token of appreciation by the people of Texas of the years of service and sacrifice given to the State by Hon. V. W. Grubbs, who has given fully twenty years of his life and a comfortable fortune to the cause of educational reform in Texas, whose benefits to the youth of Texas are inestimable from a pecuniary as well as an educational point of view, and the further fact that he is now nearing his three-score years and must soon go to his eternal reward, creates an emergency, and it is therefore ordered that the constitutional rule requiring bills to be read on three several days be sus-

pended, and that this Act take effect immediately after its passage.

Committee Room,
Austin, Texas, March 21, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate Bill No. 82, and find it correctly enrolled, and have this day at 10:10 o'clock a. m. presented same to the Governor for his approval.

SMITH, Chairman.

By Henderson.

S. B. No. 82.

An Act to establish a Junior Agricultural College east of the 96th meridian and north of the 31st parallel, and to place the government and direction of said institution under the governing board of the Agricultural and Mechanical College of Texas, and making an appropriation for said junior college, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. There shall be established in this State a Junior Agricultural College to be known as the "Northeast Texas Agricultural College," said college to be located east of the 96th meridian and north of the 31st parallel.

Sec. 2. The Governor of Texas shall appoint a locating commission consisting of five members, one of whom shall be selected by the members thereof as chairman of said commission, whose duty shall be to select a suitable location for the said junior college. As soon as practicable after the passage of this Act, said commission shall visit in person and as a body each of the several places within the territory indicated for the purpose of considering the proper location of said college, and as soon as practicable said commission, or a majority thereof shall decide on and name the place where said college shall be located. It shall be the duty of the chairman of said commission to certify to the Board of Directors of the Agricultural and Mechanical College, and to the Governor of this State, the name and location of the place selected, together with a full report of the terms and conditions connected therewith. Said commission shall

serve without compensation, but shall receive their full actual expenses incurred in carrying out their duty under this act.

Sec. 3. Such commission, in selecting a location for said college, shall choose such a location as shall, in their opinion, enable said college to best serve the agricultural and educational interest of the territory above described, which said college is designed particularly to serve. Such location shall be convenient and accessible to one or more lines of railway; there shall be available at such point of location one or more complements of and embracing not less than two hundred acres, lying in one body, or in contiguous tracts suitable for the purposes of such college, and which may be procured at a reasonable price considered in connection with the value of surrounding and adjacent lands. And, providing further, that such commission shall not be influenced in any degree in the selection of such location, by offers or promises of bonuses or gifts direct or indirect, to the State of Texas, or said college as a consideration for the location of said college at any particular place.

Sec. 4. The government and direction of policies of said junior college shall be vested in the Board of Directors of the Agricultural and Mechanical College of Texas. The said board is hereby given authority to accept such lands, buildings and gifts of money as may be made a consideration in the choice of a location and reported by said commission to the board as required in Section 2.

Sec. 5. The said Junior College shall rank as a Junior Agricultural College, which, for the purposes of this Act, is designated as an institution offering four-year courses beginning with the junior year of a four-year high school, and extending to and including the sophomore year of a standard four-year college, provided that nothing in this Act shall preclude the offering of such preparatory courses, or short courses, as may be deemed advisable. The Junior Agricultural College herein established shall be co-educational and instruction shall be offered in agriculture, including the arts and sciences connected therewith; and home economics, including the arts and sciences connected therewith.

Sec. 6. The sum of two hundred and fifty thousand dollars (\$250,000.00), or as much thereof as may be necessary, to erect and to furnish suitable buildings, and to operate and maintain said junior college, is herewith appropriated out of any money in the State Treasury not otherwise appropriated.

Sec. 7. The importance of the early establishment of the said Junior Agricultural College herein provided for in order to increase the educational facilities of the territory designated, and the length of time required to erect adequate buildings for the purposes stated, creates an emergency and an imperative public necessity for this act to take effect at once, and for the suspension of the constitutional rule requiring bills to be read on three several days, and it is herewith enacted that said rule be suspended and this Act shall be in force from and after its passage, and it is so enacted.

Committee Room,

Austin, Texas, March 21, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate Bill No. 186, and find it correctly enrolled, and have this day at 10:10 o'clock a. m. presented same to the Governor for his approval.

SMITH, Chairman.

By Hall.

S. B. No. 186.

An Act to amend Section 1, Chapter 26, of the General Laws of the Thirty-third Legislature, 1913, State of Texas, more clearly defining some of the duties of the Attorney General, district and county attorneys of this State, and imposing other and additional duties upon such officers, and prohibiting the Attorney General from giving counsel and advice; except to certain public officers named, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

That Section 1, of Chapter 26, of the General Laws of the Thirty-third Legislature is hereby amended so as to hereafter read as follows:

Section 1. In addition to the duties now or that may hereafter be imposed upon the Attorney General

by law, he shall, at the request of the Governor or the heads of the departments of the State Government, including the heads and boards of penal and eleemosynary institutions, and all other State Boards, regents, trustees of the State educational institutions and committees of either branch of the Legislature, and county auditors now authorized by statute and to be authorized, give them advice in writing upon any question touching the public interest, or concerning their official duties. He shall counsel and advise the several district and county attorneys of the State, in the prosecution and defense of all actions in the district or inferior courts, wherein the State is interested, whenever requested by them, after said attorney shall have investigated the question, and shall with the question presented to the Attorney General, submit his brief also. He shall counsel and advise the proper legal authorities in regard to the issuance of all bonds that the law requires shall be approved by him, and it shall also be his duty to institute and prosecute or cause to be instituted and prosecuted all suits and proceedings necessary to recover for and on behalf of the State all properties, real, personal or mixed, that have heretofore escheated or that may escheat to this State under the provision of Title 51, of the Acts of 1911, or under any other law now in existence, or that may hereafter be enacted, and the Attorney General is hereby prohibited from giving legal advice or written opinion to any other than the public officials named above.

Sec. 2. The fact that county auditors were omitted from the original Act in regard to their being advised on legal questions, creates an emergency and an imperative public necessity demanding that the constitutional rule requiring that bills be read on three several days in the two houses be suspended, and it is so ordered, and that this Act be in force and take effect from and after its passage, and it is so enacted.

Committee Room.

Austin, Texas, March 21, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and

compared Senate Bill No. 259 and find it correctly enrolled, and have this day at 10:10 o'clock a. m. presented same to the Governor for his approval.

SMITH, Chairman.

By Johnston of Harris. S. B. No. 259.

An Act to amend Article 5598 of the Revised Civil Statutes of the State of Texas of 1911, Title 84, Chapter 1, by providing that nothing in said title shall be construed to take away any now or heretofore existing defense to a civil action for libel, and preserving all such defenses.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Article 5598 of Chapter 1, Title 84, of the Revised Civil Statutes of Texas of 1911, be and the same hereby is amended so as to read as follows:

Article 5598. Nothing in this title shall be construed to amend or repeal any penal law on the subject of libel, nor to, take away any now or at any time heretofore existing defense to a civil action for libel, either at common law or otherwise, but all such defenses are hereby expressly preserved.

Sec. 2. That this Act shall not be construed to affect any suit now pending or that may be hereafter brought upon any cause of action arising prior to the taking effect of this Act.

Committee Room.

Austin, Texas, March 21, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate Bill No. 285, and find it correctly enrolled, and have this day at 10:10 o'clock a. m. presented same to the Governor for his approval.

SMITH, Chairman.

By Bailey. S. B. No. 285.

An Act to amend Title 86, Chapter 2, of the Revised Civil Statutes of this State by amending Article 5621 so that said article shall read as it now reads in the statute, except that the word 'improvement' is further defined, so as to include all those things within its definition as now contained in the statute and in addition to include the clearing, grubbing, draining and fencing of land; and also by

amending Article 5631 so that said article shall read as it now reads, but with the addition that it shall make the provisions thereof apply to improvements made upon a homestead as well as when material is furnished, labor performed, erections or repair made upon a homestead, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas.

Section 1. That Title 86, Chapter 2, of the Revised Civil Statutes of this State be amended by amending Article 5621, Revised Statutes, so that hereafter said article shall read as follows, to wit:

Article 5621. In Favor of Whom.—Any person or firm, lumber dealer or corporation, artisan, laborer, mechanic or subcontractor who may labor or furnish material, machinery, fixtures or tools to erect any house or improvement or to repair any building or improvement whatever, or who may labor or furnish material, machinery, fixtures or tools for the construction or repair of levees or embankments to be erected for the reclamation of overflow lands along any river or creek in this State, or furnish any material for the construction or repair of any railroad within this State under or by virtue of a contract with the owner, owners, or his or their agent, trustee, receiver, contractor or contractors, upon complying with the provisions of this chapter, shall have a lien on such house, building, fixtures, improvements, land reclaimed, from overflow or railroad, and all its properties, and shall have a lien on the lot or lots of land necessarily connected therewith, or reclaimed thereby, to secure payment for the labor done, lumber, material, machinery or fixtures and tools furnished for construction or repair. The word "improvement," as used herein, shall be construed so as to include clearing, grubbing, draining or fencing of land, and shall include wells, cisterns, tanks, reservoirs or artificial lakes or pools made for supplying or storing water and all pumps, siphons and wind mills or other machinery or apparatus used for raising water for stock, domestic use or for irrigation purposes.

Sec. 2. That Title 86, Chapter 2, of the Revised Civil Statutes of this

State be amended by amending Article 5631 thereof, so that hereafter the same shall read as follows, to wit:

Article 5631. When material is furnished, labor performed, improvements as defined in this chapter and title made, or erections or repairs made upon homesteads, if the owner thereof is a married man, then, to fix and secure the lien upon the same, it shall be necessary for the person or persons who furnish the material or perform the labor before such material is furnished or labor is performed, to make and enter into a contract in writing, setting forth the terms thereof, which shall be signed by the owner and his wife, and privily acknowledged by her, as is required in making sale of homestead. And such contract shall be recorded in the office of the county clerk in the county where such homestead is situated, in a well-bound book to be kept for that purpose; provided, when such contract has been made and entered into by the husband and wife and the contractor or builder, and the same has been recorded, as heretofore provided, then the same shall inure to the benefit of any and all persons who shall furnish material or labor thereon for such contractor or builder.

Sec. 3. The near approach of the end of this session of the Legislature, and the crowded condition of the calendar and the necessity of broadening the terms of the articles of the statute hereby amended, so as to make available loans from Federal Loan Banks, creates an emergency and an imperative public necessity, which requires that the constitutional rule providing that bills shall be read on three several days be suspended, and said rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Committee Room,
Austin, Texas, March 21, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate Bill No. 490 and find it correctly enrolled, and have this

day at 10:10 o'clock a. m. presented same to the Governor for his approval.
SMITH, Chairman.

By Hudspeth.

S. B. No. 490.

An Act to amend Section 6 of an Act passed by the present session of the Thirty-fifth Legislature and approved on the 16th day of March, 1917, pertaining to the development of minerals in the public free school land, university, asylum and other public lands and waters, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. Section six of an Act passed by the present session of the Thirty-fifth Legislature relating to the development of minerals in the public free school land, university, asylum and other public lands and waters, approved on the 16th day of March, 1917, shall be amended so as to hereafter read as follows:

"Section 6. Before the expiration of twelve months after the date of the permit the owner thereof shall in good faith begin actual work necessary to the physical development of said area and, if petroleum or natural gas is not sooner developed in commercial quantities the owner or manager shall, within thirty days after the expiration of one year from the date of the permit, file in the General Land Office a sworn statement supported by two disinterested credible persons that such actual work was begun within the first twelve months aforesaid and that a bona fide effort to develop the said area was made during the twelve months preceding the filing of the statement and showing what work was done and expenditures incurred and whether or not petroleum or natural gas had been discovered in commercial quantities. A failure to file the statement herein provided for within the time specified, or the filing of a statement untrue or false in material matters shall subject the permit to forfeiture and the termination of the rights of the owner. The owner of a permit shall not take, carry away or sell any petroleum or natural gas before obtaining a lease therefor; provided, such quantity as may be necessary for the continued development of the area before obtaining a lease may be used without accounting therefor."

Sec. 2. The near approach of the

close 'of the present session and the importance of placing the development of the oil and gas resources of the State public land upon an equal footing with private land by allowing twelve months' time to begin development instead of requiring it to begin within six months, creates an emergency and an imperative public necessity exists requiring the suspension of the constitutional rule that bills be read upon three separate days in each house, and that this be placed upon third reading and final passage, and the rule is so suspended.

Committee Room,

Austin, Texas, March 21, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate Bill No. 138 and find it correctly enrolled, and have this day at 10:10 o'clock a. m. presented same to the Governor for his approval.

SMITH, Chairman.

By Bee.

S. B. No. 138.

An Act to provide for an appeal from interlocutory orders overruling motions to vacate orders appointing receivers.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Chapter 20, Title 37 of the Revised Civil Statutes of the State of Texas adopted at the Regular Session of the Thirty-second Legislature, 1911, be amended by adding thereto a new article to be known as Article 2079a, which shall read as follows:

Article 2079a. An appeal shall lie from an interlocutory order of the district court overruling a motion to vacate an order appointing a receiver or trustee in any case, provided such appeal be taken within twenty days from the entry of such order appealed from. An appeal in such cases shall take precedence in the Appellate Court; but the proceedings in other respects in the court shall not be stayed during the pendency of the appeal, unless otherwise ordered by the Appellate Court.

Sec. 2. The fact that there is no law providing for appeals from orders specified in Section 1 of this Act, creates an emergency and an impera-

tive public necessity that the constitutional rule requiring bills to be read on three several days be suspended and it is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Committee Room,
Austin, Texas, March 21, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate Bill No. 247 and find it correctly enrolled, and have this day at 10:10 o'clock a. m. presented same to the Governor for his approval.

SMITH, Chairman.

By Hudspeth.

S. B. No. 247.

An Act to amend Chapter 48 of the laws of the Regular Session of the Thirty-first Legislature, 1909, relative to the appointment of an assistant district attorney, prescribing the mode of appointment of assistant district attorneys in districts containing a city of twenty-eight thousand population or over according to the United States census of 1910, prescribing the qualifications of such assistant district attorney, defining his duties, providing the method of his removal from office, fixing his salary and prescribing the mode of its payment, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Chapter 48 of the Acts of the Regular Session of the Thirty-first Legislature, 1909, be, and the same is hereby amended so as to hereafter read as follows:

Section 1. From and after the passage of this Act the district attorney shall appoint one assistant district attorney in districts in which there is situated a city of twenty-eight thousand population or over, according to the United States census of 1910; provided the district attorney shall furnish data to the district judge of his district that he is in need of an assistant and that the district attorney is himself unable to attend to all of the duties required of him by law, and that it is necessary to the best interests of the State that an assistant district attorney be

appointed. Every person so appointed shall be a qualified resident attorney of the district in which said appointment is made and shall give bond and take the oath of office required of district attorneys by this State, and shall have the power and authority to perform all the acts and duties of district attorneys under the law of this State, and said appointment shall be for such time as the district attorney shall deem best in the enforcement of the law, not to be less than one month.

Sec. 2. Said assistant district attorney shall be paid for the time of actual service rendered at the rate of the sum of \$2,500.00 per annum, by the Comptroller of the State of Texas, and said amounts to be paid in monthly payments, upon certificates of district clerk and district judge of said district, that said assistant district attorney has performed his duties and is entitled to pay.

Sec. 3. The district attorney of any such district at any time he deems said assistant unnecessary, or that the person appointed is not attending to his duties as required by law, may remove said person from office by merely writing to the district judge of the said district to that effect.

Sec. 4. The fact that there is no adequate law of this State, providing for assistant district attorneys, and in many districts of the State, the district attorneys have a large amount of important work, which they are unable to attend to, on account of lack of time, creates an emergency and an imperative public necessity that this Act be passed under a suspension of the constitutional rule requiring bills to be read on three several days, and that the rule is therefore suspended and this Act shall take effect from and after its passage, and it is so enacted.

Committee Room,
Austin, Texas, March 21, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate Bill No. 265 and find it correctly enrolled, and have this day at 10:10 o'clock a. m. presented the same to the Governor for his approval.

SMITH, Chairman.

By Dean.

S. B. No. 265.

An Act to authorize and permit B.

A. Eastham to sue the State of Texas and the Prison Commission of the State of Texas in the district court of Travis County, Texas, for damages for the breaches, if any, of, and the failure, if any, to perform the duties and obligations, if any, arising out of the contract made on or about the 12th day of January, A. D. 1910, between the said B. A. Eastham of the one side and J. A. Herring, as superintendent, and A. M. Barton, as financial agent, of the Texas State penitentiaries, of the other side, for the cultivation of the farm of the said B. A. Eastham on the share farm system, with convict labor, for a term of two years, commencing on January 1, A. D. 1910, and ending December 31, 1911, which said farm consists of about one thousand acres, and is located in Walker County, Texas, and providing that no pleas of limitation shall be urged in bar of the cause of action alleged by the plaintiff in said suit, and providing that no execution shall issue on the judgment, if any, rendered therein, but that such judgment shall be recognized as a valid claim by the Prison Commission, and providing for the manner of payment thereof.

Be it enacted by the Legislature of the State of Texas:

Section 1. That B. A. Eastham of Walker County, Texas, be, and is hereby, authorized and permitted to sue the State of Texas and the Prison Commission of the State of Texas in the district court of Travis County, Texas, for damages for the breaches claimed by him on the part of the Prison Commission of the State of Texas, and for the failure claimed by him of said Prison Commission to perform the duties and obligations arising out of the contract made between the said B. A. Eastham and J. A. Herring, as superintendent, and A. M. Barton, as financial agent, of the penitentiaries of the State of Texas, which said contract bears date of the 12th day of January, A. D.

1910, and provides for the cultivation on the share farm system, with convict labor, for a term of two years commencing January 1, A. D. 1910, and ending December 31, A. D. 1911, of the farm of the said B. A. Eastham, consisting of about one thousand acres, and lying and being situated in Walker County, Texas; and the said B. A. Eastham is hereby fully authorized, empowered and permitted in such suit to set up and urge the breaches, if any, of said contract by the Prison Commission of the State of Texas, and the failure, if any, of the Prison Commission of the State of Texas to perform the duties and obligations, if any, arising out of said contract.

If, in such suit, the court shall determine that said contract was a valid obligation, which the State or the Prison Commission owed the said Eastham the legal duty to perform; and that the State or the Prison Commission thereof by reason of the execution of the said contract, legally owed duties and obligations to said Eastham in the matter of the cultivation of the farm covered by said contract, and that there have been breaches of said contract, or the failure to perform such duties and obligations, the damages therefor shall in such suit be determined and adjusted, and if said judgment shall be affirmed by the Court of Civil Appeals and the Supreme Court in favor of the plaintiff, but no execution may issue on such judgment, and in such action neither the Prison Commission nor the State of Texas shall urge any pleas of limitation in bar of the cause of action alleged by the plaintiff; but if final judgment should be rendered determining that the said Eastham has sustained damages by occasion of the breaches, if any, of said contract, or on account of the failure, if any, on the part of the Prison Commission or the State of Texas to perform the duties and obligations, if any, arising out of said contract, then such judgment shall be recognized by the Prison Commission as a valid obligation and shall be paid by it in due course along with the other indebtedness incurred by said Prison Commission, and shall be as binding on the Prison Commission and upon the State of Texas as any valid indebtedness incurred by said Prison Commission.

Committee Room,
Austin, Texas, March 21, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate Bill No. 315 and find it correctly enrolled, and have this day at 2:30 o'clock p. m. presented same to the Governor for his approval.

SMITH, Chairman.

By Henderson. S. B. No. 315.

An Act to amend Title 22, Chapter 4, Article 879 of the Revised Statutes of the State of Texas, Acts of 1911, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Article 879, Revised Civil Statutes of Texas of 1911, Title 22, Chapter 4, shall hereafter read as follows:

To appropriate so much of the revenues of the city emanating from whatever source, for the purpose of retiring and discharging the accrued indebtedness of the city, and for the purpose of improving the public markets and streets, erecting and conducting city hospitals, city hall, water works, etc., and for the purpose of building and improving wharves or warehouses or improving same in any city of this state having a navigable stream or a part thereof within its corporate limits as they may from time to time deem expedient, and in furtherance of these objects they shall have power to borrow money upon the credit of the city and issue coupon bonds of the city therefor, in such sum or sums as they may deem expedient, or they may issue interest bearing city warrants to bear interest not exceeding 8 per centum per annum, payable semi-annually at such place as may be fixed by city ordinance; provided that the aggregate amount of bonds or interest bearing city warrants issued by the city council shall, at no time exceed six (6) per cent of the value of the property within said city subject to ad valorem tax.

Sec. 2. The near approach of the end of the present session and the fact that some cities in Texas are in need of the passage at once of the proposed amendment of said law, creates an imperative public necessity and an

emergency requiring the suspension of the constitutional rule requiring bills to be read on three several days and it is so suspended and it is further enacted that this Act take effect and be in force from and after its passage, and it is so enacted.

Committee Room,
Austin, Texas, March 21, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate Bill No. 370 and find it correctly enrolled, and have this day at 2:30 o'clock p. m. presented same to the Governor for his approval.

SMITH, Chairman.

By McCollum. S. B. No. 370.

An Act to amend Articles 628 and 632 of Chapter 2, Title 18, of the Revised Civil Statutes of the State of Texas (1911 compilation), said Chapter being Chapter 7 of the General Laws of the First Called Session of the Thirty-first Legislature, 1909, entitled "An Act to authorize any county or political subdivision or other defined district of the county, upon a vote of two-thirds majority of the resident property tax paying voters thereof who are qualified electors of such county or political subdivision or defined district of the county to issue bonds or otherwise lend its credit in any amount not to exceed one-fourth of the assessed valuation of the real property of such county or political subdivision or defined district thereof," etc., and to add to said chapter Articles 636a, 637b, 637c, 637d, and 637e and 637f, providing that in any county wherein a road district or road districts have been formed or may hereafter be formed and have issued bonds for the purpose of constructing public roads, the commissioners court of the county shall, upon petition, submit to the qualified voters of the county the proposition as to whether or not bonds shall be issued for the purpose of purchasing or taking over the improved roads already constructed in said road district or districts and of further constructing and operating macadamized, graveled or paved roads and turnpikes throughout such county, requiring

the commissioners court to set apart from such county issue bonds in sufficient amount to retire all outstanding district bonds and prescribing the methods therefor either by exchange with the holder or holders of said district bonds or by depositing county bonds to the credit of such district or districts, providing for levy and collection of taxes for said county bonds and dispensing with taxes for said district bonds, authorizing the necessary adjustment of sinking funds, providing for the issuance and sale of county bonds in excess of the amount needed to retire the district bonds and for expenditure of funds thus realized, prohibiting the overlapping of road districts or subdivisions of a county, providing for the proper investment of the sinking funds of road bonds, declaring that the interest arising from any such investment shall become a part of the sinking fund and prohibiting the diversion of said interest and said sinking fund for any other purpose, making the same a criminal offense, and providing suitable punishment therefor, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Articles 628 and 632, Chapter 2, Title 18, of the Revised Civil Statutes of the State of Texas, 1911 Compilation, be amended so as hereafter to read as follows:

Art. 628. Upon the petition of fifty, or a majority of resident property tax paying voters of any county, or political subdivision or defined district of any county in this State, to the county commissioners court of such county, such court shall have the power, and it is hereby made its duty, at any regular or special session thereof, to order an election to be held in such county, political subdivision or defined district thereof, to determine whether or not the bonds of such county, political subdivision or defined district thereof, shall be issued in any amount not to exceed one-fourth of the assessed valuation of the real property of such county, or political subdivision, or defined district, for the purpose of constructing, maintaining or operating macadamized, graveled or paved roads and turnpikes, or in aid thereof; and, at such election, there shall also be submitted to such resi-

dent property tax paying voters the question as to whether or not a tax shall be levied upon the property of said county, or political subdivision or defined district thereof, subject to taxation, for the purpose of paying the interest on said bonds and to provide a sinking fund for the redemption thereof. The amount of bonds proposed to be issued, with rate of interest thereon and date of maturity, shall be stated in the order ordering said election, and in the notice therefor; or such order and notice may provide that the bonds may bear interest at a rate to be fixed by the commissioners court, not to exceed five and one-half per cent, and that the bonds may mature at such times as may be fixed by the commissioners court, serially or otherwise, not to exceed thirty years from their date, except as otherwise provided in Articles 637a and 637b hereof; provided that where such election is ordered for a political subdivision or defined district of a county, other than the whole county, such order and notice of election shall describe the boundaries thereof as described and defined in the order of the county establishing such political subdivisions or defined district of the county.

Art. 632. Such bonds shall mature not later than thirty years from their date, except as otherwise provided in Articles 637a and 637b hereof, with such options of redemption as may be fixed by the commissioners court, or such bonds may be issued to mature serially in approximately equal portions every year for not exceeding thirty years; and such bonds shall not bear more than five and one-half per cent interest per annum, and which bonds shall be examined by the Attorney General of Texas, and registered by the Comptroller of Public Accounts of Texas, and such bonds, when so issued, shall continue in the custody of and under the control of the commissioners court of the county in which they were issued, and shall be by said court sold to the highest and best bidder, for cash, either in whole or in parcels, at not less than their par value, and the purchase money therefor shall be placed in the county treasury of such county to the credit of the available road fund of such county, or of such political subdivision or defined district of such county, as the case may be; provided

that the expense incurred in surveying the boundaries of a political subdivision or defined district of the county and other expenses incident to the issuance of bonds of such political subdivisions or defined districts shall be paid from the proceeds of the sale of the bonds of the district. Such funds shall be paid out by the county treasurer upon warrants drawn on such funds issued by the county clerk of the county, countersigned by the county judge, upon certified accounts approved by the commissioners court of the county, when such funds belong to the entire county; and, when such funds belong to a political subdivision or defined district of the county, they shall be paid out by the county treasurer upon warrants issued by the county clerk, upon certified accounts of the road superintendent of such road district, and approved by the commissioners court of the county.

Sec. 2. That there shall be added to said Chapter of the Revised Civil Statutes Articles 637a, 637b, 637c, 637d, 637e, and 637f, which shall read as follows:

Art. 637a. In any county in this State wherein any road district or districts have heretofore been, or may hereafter be formed, and bonds have been issued in said district or districts for the purpose of constructing public roads under the provisions of the general, or any special county road law, and it should be desired that the said district roads be merged into and become a part of a general county system of public roads, it shall be the duty of the commissioners court, upon the presentation of a petition signed by 250 resident property tax paying voters of the county, whether residing in such road district or districts or not, to order an election under the provisions of Chapter 1, Title 18, or Chapter 2, Title 18, Revised Civil Statutes of this State, 1911 Compilation, to determine whether or not the bonds of such county shall be issued for the purpose of purchasing or taking over the improved roads already constructed in said road district or districts and of further constructing, maintaining and operating macadamized, graveled or paved roads and turnpikes throughout such county, such bonds to be issued in such an amount as may be stated in the petition and order of the commissioners court within the limitations of the constitutional and

statutory provisions; and, at such election, there shall also be submitted to such resident property tax paying voters the question as to whether or not a tax shall be levied upon the property of said county, or political subdivision or defined district thereof, subject to taxation, for the purpose of paying the interest on said bonds and to provide a sinking fund for the redemption thereof. At said election those favoring the issuance of bonds and the levy of taxes as herein provided for shall have written or printed on their ballot "For the issuance of bonds for the purchase of district roads and the further construction, maintenance and operation of macadamized, graveled or paved roads and turnpikes, and for the levy and collection of a tax to provide for interest and sinking fund for said bonds;" and those opposing the issuance of bonds and the levy of taxes as herein provided shall have written or printed on their ballots, "Against the issuance of bonds for the purchase of district roads and the further construction, maintenance and operation of macadamized, graveled or paved roads and turnpikes, and against the levy and collection of a tax to provide for interest and sinking fund for said bonds." The bonds issued under this article may mature serially or otherwise at the discretion of the commissioners court and may run for a term not to exceed forty years. The issuance and sale of said bonds and the levy and collection of taxes therefor shall be conducted as now required by law except as herein otherwise provided.

Art. 637b. In the event the proposition to issue such county bonds shall receive the necessary favorable vote, as is now provided by law, and said bonds shall have been approved and issued, the taxes theretofore levied and collected in any road district or districts shall from that date be dispensed with as hereinafter provided. It shall be the duty of the commissioners court to set apart from such county issue bonds in an amount equal to all of the outstanding bonds of any such district or districts. The bonds so set apart by the commissioners court shall be used exclusively for purchasing or taking over the improved roads in any road district or districts within such county. Said bonds shall be issued in similar denominations, bearing the same rate of interest, hav-

ing the same date of maturity, and with similar options of payment, as the outstanding bonds of any such road district or districts, it being the intent hereof that said county bonds shall in every respect be similar to said district bonds except that they shall be county obligations instead of district obligations. Such county bonds so set apart shall be disposed of in the purchase of said improved district roads in one of the following methods, to wit:

1. An exchange of said bonds may be made with the holder or holders of any outstanding district road bonds. The agreement for such exchange shall be evidenced by order of the commissioners court authorizing the same, and by the written consent of the holder or holders of such district bonds properly signed and acknowledged as provided for the acknowledgment of written instruments by the laws of this State, which said order of court, written agreement properly executed by the holder or holders of such district bonds, together with the county bonds to be given in exchange, shall be presented to and approved by the Attorney General of the State and shall bear his certificate of approval before the exchange is finally consummated. In arranging an exchange of county bonds, interest coupons may be detached and such credits arbitrarily entered on any bond or bonds as may be necessary so that the principal and interest represented by county bonds may be the same in amount as represented by the district bonds surrendered in exchange, any difference in market value of said bonds being taken into account. When such exchange of county bonds for district bonds shall have been consummated it shall be the duty of the commissioners court to cancel and destroy said district bonds. A complete itemized list of all such district bonds so retired shall be put on record with appropriate order of the court evidencing such retirement, and thereafter no tax shall ever be levied or collected therefor under the original election in such district or districts, and the sinking fund then on hand to the credit of any such district or districts shall be passed to the sinking fund account of the county.

2. In the event that an exchange of county bonds for district bonds cannot be made as hereinbefore provided for, it shall then be the duty of the

commissioners court, not later than ninety days after the approval and issuance of said county bonds, to effect the purchase of the improved roads in such district or districts by depositing with the county treasurer for the credit of the interest and sinking fund account of said district or districts an amount of county bonds equal in face value to the amount of outstanding district bonds. Said county bonds so deposited shall be similar in all respects to the outstanding district bonds as hereinbefore provided, and interest coupons may be detached and credits arbitrarily entered on any bond or bonds in order to make the amount so deposited to the credit of any district equal to the face value of outstanding bonds of said district. Before such deposit of county bonds shall be made and credit passed to said district or districts, there shall be submitted to the Attorney General of the State a certified list of all bonds of such district or districts then outstanding, which list shall show the date, amount, rate of interest and date of maturity of said outstanding bonds, together with the county bonds to be deposited, and an order of the commissioners court authorizing such action, and shall bear his certificate of approval before said transaction shall be finally consummated. After such county bonds shall have been deposited for the credit of the interest and sinking fund account of said district or districts, the sinking fund theretofore collected and on hand for the credit of such district or districts, shall be passed to the sinking fund account of the county. The commissioners court shall no longer levy and collect the taxes provided for under the original election for said bonds in such district or districts, but in lieu thereof they shall annually, from the taxes levied for the county bonds hereinbefore provided for, pay the interest on said county bonds deposited for the credit of such district or districts, detaching the coupons therefor, and said payment of interest shall be passed to the credit of the interest account of said district or districts as the owner of said county bonds and the funds so realized by said district or districts shall be used by the commissioners court to pay the interest on all outstanding district bonds. From said county taxes levied for that purpose, the commissioners court shall

also set aside annually the necessary sinking fund for the retirement of said county bonds, and upon maturity of said county bonds, the commissioners court shall pay said bonds in full, and said payment shall be passed to the credit of the sinking fund of such district or districts, and the funds so realized by said district or districts shall be used by the commissioners court to pay in full all outstanding district bonds.

Art. 673c. All county bonds, voted upon and authorized at the election hereinbefore provided for, in excess of the amount required to exchange for, or offset and retire outstanding district bonds shall be issued and sold in the manner now provided by law. The proceeds thereof shall be credited to the available road fund of the county and shall be extended by the commissioners court in constructing, repairing, maintaining and operating macadamized, graveled or paved roads and turnpikes or in aid thereof.

Art. 637d. Where a political subdivision or defined road district of a county has heretofore been established and issued bonds, or is hereafter established and issues bonds, no political subdivision or defined district shall thereafter be created or established overlapping the same territory or embracing any part thereof while any of the bonds of such political subdivision or defined district are outstanding and unpaid, except as hereinbefore provided for the county as a whole.

Art. 637e. The commissioners court of any county in this State is authorized and empowered, when it considers it advisable, to invest sinking funds now on hand or which may hereafter be on hand, accumulated for the redemption and payment of any bonds issued by such county or political subdivision or defined district thereof, in bonds of the United States, of the State of Texas or any county in the State, or of any incorporated city or town or road district or school district in this State; or in bonds of the Federal Farm Loan Bank System; provided that no such bonds shall be so purchased which, according to their terms, mature at a date subsequent to the time of maturity of the bonds for the payment of which such sinking fund was created; and, provided, that all interest on such investments shall be credited to the sinking fund to

which it belongs; and such sinking funds, together with the interest thereon, shall be and is hereby set apart as a special fund for the uses designated herein, and their use for any other purpose shall be considered a diversion thereof and punishable as provided by the Penal Code of this State, Article 104, Acts 1911.

Art. 637f. The provisions of this Act shall be held cumulative of other laws now in effect and shall not operate to amend or repeal any law except as herein specifically provided, and in case it shall be declared by the courts that any part of this Act is unconstitutional, such decision shall not impair other parts and provisions of this Act.

Sec. 3. The inadequacy of the present law in relation to the subject matter of this Act creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended and said rule is suspended and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Committee Room,

Austin, Texas, March 21, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate Bill No. 263, and find it correctly enrolled, and have this day at 2:30 o'clock p. m. presented same to the Governor for his approval.

SMITH, Chairman.

By Bee.

S. B. No. 263.

An Act to amend Article 1038, Chapter 14, Title 22, of the Revised Civil Statutes of the State of Texas, adopted in 1911, so as to authorize the incorporation of towns or villages containing more than two hundred (200) and less than five thousand (5000) inhabitants.

Be it enacted by the Legislature of the State of Texas:

That Article 1033, Chapter 14, Title 22, of the Revised Civil Statutes of the State of Texas, adopted in 1911, be and the said article is hereby amended so as to read as follows:

Article 1033. "When a town or

village may contain more than two hundred (200) and less than five thousand (5000) inhabitants, it may be incorporated as a town or village in the manner prescribed in this chapter."

Committee Room,
Austin, Texas, March 21, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate Bill No. 470 and find it correctly enrolled, and have this day at 2:30 o'clock p. m. presented same to the Governor for his approval.

SMITH, Chairman.

By Bee.

S. B. No. 470.

An Act to amend Articles 2877, 2878, 2879 and 2880, Chapter 17, Title 48 of the Revised Civil Statutes of the State of Texas, 1911, relating to the assessment, levy and collection of an additional ad valorem tax for the maintenance and support of the public free schools and the erection and equipment of public school buildings in cities and towns which have heretofore or which may hereafter assume the control of the public schools within their limits; repealing Article 2876, Chapter 17, Title 48, Revised Civil Statutes of the State of Texas, 1911; providing for an election to determine whether such additional tax shall be levied and collected, providing for the assessment and collection of same, the payment and distribution of said tax and re-numbering sections; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Articles 2877, 2878, 2879 and 2880 of Chapter 17, Title 48, of the Revised Civil Statutes of Texas, 1911, be amended so as to hereafter read as follows:

Article 2876. The city or town council or board of aldermen of any city or commission of any city, town or village, whether incorporated under any act of the Congress of the Republic or the Legislature of the State of Texas, or under any act of incorporation whatever, shall have power by ordinance to annually levy and collect such ad valorem taxes for the

support and maintenance of public free schools and for the erection and equipment of public free school buildings in the city or town where such city or town is a separate and independent school district; provided that no such tax shall be levied until an election shall have been held, at which none but property tax payers, as shown by the last assessment rolls, who are qualified voters of such independent school districts shall vote and a majority of those voting shall vote in favor thereof. The proposition submitted may be for such a rate of ad valorem tax not exceeding such per cent as may be voted by a majority vote of all votes cast at any such election. One election and no more, shall be held thereafter in any one calendar year to ascertain whether a school tax shall be levied. If the proposition is carried the school tax shall be continued to be annually levied and collected for at least two years, and thereafter, unless it be discontinued at an election held to determine whether the tax shall be continued or discontinued, at the request of fifty property tax payers of such independent school district. When the tax is continued no election to discontinue it shall be held for two years; when the tax is discontinued no election to levy a tax shall be held during the same year.

Article 2877. If the vote of the tax payers is in favor of said tax, then it shall be the duty of the council or board of aldermen, annually thereafter, to levy upon the taxable property in the limits of such district, in accordance with the usual assessment of taxes for municipal purposes, such additional tax as may be necessary for the support and maintenance of the public schools and for the erection and equipment of public school buildings for nine months in the year not to exceed the rate of tax voted.

Article 2878. In a city or town that has assumed the exclusive control of the public free schools within its limits and has decided under the laws providing therefor, that a special tax shall be levied for the support and maintenance of such public free schools and the erection and equipment of public free school buildings, the mayor and council or board of aldermen of such city or town shall annually assess and levy

such tax by ordinance duly passed and approved in the same manner as is required in the assessment and levy of taxes for general purposes in such city or town. In a city or town which has voted upon and directed the levy of a special tax the mayor or council or board of aldermen or commission of such city or town shall annually levy such rate of tax for public school purposes and for the erection and equipment of public school buildings not exceeding the rate of tax voted for the support and maintenance of the public free schools and for the erection and the equipment of public school buildings for the term as required by law; but in a city or town that has voted upon and decided at an election held for that purpose that a specified rate of tax shall be assessed and levied in such city or town for the support and maintenance of its public free schools, and for the erection and the equipment of public school buildings the mayor and council or board of aldermen or commission of such city or town shall have no discretion in fixing the rate at which such tax shall be levied, but shall assess and levy the same at the rate fixed in the proposition as submitted and adopted by the qualified voters of such city or town at the election held for that purpose.

Article 2879. In a city or town that may now or hereafter constitute an independent school district, and where a special tax for school purposes has been voted by the people or provided by special charter, it shall be the duty of said board of trustees to determine what amount of said tax, within the limit voted by the people or fixed by special charter will be necessary for the maintenance and support of the school and for the erection and equipment of public school buildings for each current year; and it shall become the duty of the city council, board of aldermen or city commission upon the requisition of the board of trustees to annually levy and collect said tax, as other taxes are levied and collected; and said tax, when collected, shall be placed at the disposal of the said school board, by paying over monthly to the treasurer of said board the amount collected for the support and maintenance of the school for the erection and equipment of public school buildings in

such district, to be used for the maintenance and support of the public free schools and for the erection and equipment of public school buildings in such district.

Article 2880 All of Article 2876, Chapter 17, Title 48 of the Revised Civil Statutes of the State of Texas, 1911, is hereby repealed.

Sec. 2. Owing to the crowded condition of the calendar and the demand for the relief of the independent school districts in cities and towns creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Committee Room,
Austin, Texas, March 21, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 267 and find it correctly enrolled, and have this day at 4 o'clock p. m. presented same to the Governor for his approval.

SMITH, Chairman.

By Dayton. S. B. No. 267.

An Act to define a delinquent child and to regulate the treatment and control of same; providing for the commitment of the delinquent and incorrigible juvenile in the State Institution to be hereafter known as The State Training School for Boys, located at Gatesville, Coryell County, Texas; and to provide for the appointment by the Governor of six trustees, and defining the duties of said trustees; and providing that the trustees shall appoint a superintendent to manage said institution upon the advice and consent of the Governor, and fixing his salary; and providing further that the superintendent shall appoint such other officers and employes as may be necessary for the management of said institution, by and with the consent of the board of trustees; and providing further that the board of trustees shall fix the salaries of employes and shall define their

duties; and providing further that the said board shall formulate by-laws, rules and regulations for the economic and efficient government and control of said institution, having in view the object to be accomplished by this Act. Said by-laws, rules and regulations when adopted by said board and approved by the Governor, shall become binding and of obligatory force upon the trustees, superintendent, subordinate officers, employes and inmates of said institution, and it shall be the duty of the trustees to see to the enforcement of said rules. And providing further for a public school at said Institution as now provided for by Articles 2733 and 2734, of the Act of the Legislature of 1905. And providing further that the trustees appointed by the State Superintendent for the management of said public school at said Institution shall have full and complete control of said public school and said board shall appoint a principal for the management of said school and such other teachers as may be necessary for the maintenance of said school. And said board of trustees shall be under the control and shall act and carry out the instructions given them by the State Superintendent of Public Instruction, and in the event that said trustees fail or refuse to carry out the instructions given them by the said Superintendent of Public Instruction of the State of Texas, then the State Superintendent of Public Instruction shall remove them and appoint some one to take their place and shall withhold the public funds that has or may be set apart for the payment of the teachers of said institute; and providing further that the trustees appointed by the State Superintendent for the management of said public school shall maintain a public school for the benefit of the children and appoint teachers for that purpose by the consent of the State Superintendent of Public Instruction; and providing for penalty for the violation of this Act, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. The Institution now located at Gatesville, Coryell County, Texas, and known as "The State Juvenile Training School," shall hereafter be designated and known as "The State Training School for Boys." The government of said school shall be vested in a board of trustees composed of six persons, and the members of the board shall be appointed by the Governor with the advice and consent of the State Senate, and said board may be removed by the Governor for cause stated in writing, filed with the Secretary of State.

Two members of the board so appointed shall serve for a term of two years; two members for a term of four years; two members for a term of six years from the date of their appointment by the Governor, unless sooner removed by him. Provided that the present board of trustees shall each serve for the time of his present appointment, and the appointment made by the Governor shall be to fill the places of those whose terms of office expire from time to time. The members appointed shall be persons of high character and ability, known for their interest in the welfare of the unfortunate classes. Each member shall receive five dollars per day and traveling and other necessary expenses while engaged in the performance of official duties connected with said institution, for which the Comptroller shall issue his warrant on the account verified by said members and approved by the chairman of the board. The chairman of said board shall not approve any expense account of any trustee until the same has been allowed by a majority of the board.

Sec. 2. Said board shall at its first meeting in January of each year elect one of their members as chairman and one as secretary of the board, who shall hold office for one year or until a successor is elected. The board shall hold four regular meetings each year. Said meetings shall be on the first Monday of January; first Monday of April; first Monday of July; first Monday of October. And shall hold such adjournment meetings and special meetings at such times and places as are deemed necessary when requested to

do so by two members of the board or called to meet by the chairman.

Sec. 3. It shall be the duty of the board of trustees to take control and supervision of said State Training School for Boys, and said board shall formulate by-laws, rules and regulations for the economic and efficient government and control of said institution, having in view the objects to be accomplished by this Act. Said by-laws, rules and regulations, when adopted by said board and approved by the Governor, shall become binding upon the trustees, superintendent, subordinate officers, employes and inmates of said institution. And it shall be the duty of the trustees to enforce the provisions of this Act in relation to said institution. Said by-laws, rules and regulations may be amended from time to time as said board may deem necessary.

The said board shall make annual reports to the Governor, setting forth in full all the facts pertaining to the said State Training School for Boys, including receipts and disbursements; the number and salaries of all employes; the number of inmates received and discharged and the number still retained in said Institution and estimates and appropriations required for two years maintenance. It shall include in its report the general conditions of the inmates committed to its care and the success with which the reformatory measures of the school have been administered.

Sec. 4. The said board of trustees shall at its first meeting after this law is passed and approved by the Governor, appoint a superintendent of said institution, with the approval of the Governor, who shall hold his office until January 1, 1919, and then said board of trustees shall appoint a superintendent of said Institution with the approval of the Governor, who shall hold his office for a term of two years from the date of his appointment or until his successor is appointed and qualified. Said superintendent shall before entering upon the duties of his office, take the oath of office prescribed by the Constitution and shall give bond in the sum of ten thousand (\$10,000.00) dollars, payable to the Governor or his successor in office, conditioned

on the faithful performance of the duties of his office. Said bond shall be signed by said superintendent or by himself and some solvent surety company authorized to transact business in Texas, and said bond shall be approved by Attorney General. Said bond when approved by the Governor shall be deposited in the office of the Secretary of State. Said superintendent may be removed for cause by the Governor or by the board of trustees with the advice of the Governor, for cause stated in writing and filed with the Secretary of State, after giving the superintendent thirty days notice of their intention to remove him. The superintendent shall have control and management of said institution subject to the provisions of this Act, and the by-laws, rules and regulations adopted from time to time by said board of trustees and approved by the Governor.

1. It shall be the duty of the superintendent to keep a register in which he shall enter the name, date of reception, previous moral character, habits and education so far as can be ascertained, his conduct and deportment, educational and vocational advancement while in said school, the discharge, death, escape, commutation of time, parolement and punishment of each inmate or person admitted to said institution.

2. He shall see that the buildings are kept in good sanitary order and that the premises are kept in a healthful and cleanly condition.

3. He shall reside at the institution and he shall be responsible for the strict enforcement of the provision of this Act as well as the said by-laws, rules and regulations, and written orders of the board of trustees and of the Governor.

4. He shall keep or cause to be kept, the books of the institution, fully exhibit all moneys received and disbursed, the sources from which, and the purpose for which, the same is expended. Provided, that all supplies for the institution shall be purchased by the State Purchasing Agent, the same as for other similar institutions. The said books shall give a complete record of all money and products produced from the farm or received from any source, and shall show the disposi-

tion made of same whether sold or consumed. Said book shall at all times be open for the inspection of the board of trustees or the Governor, or to any one appointed by the Governor to inspect or audit said books.

5. The superintendent shall, under the direction of the board of trustees of said institution, sell all farm products raised at said institution, and all articles manufactured at said institution, and sell any stock or other property on the premises not needed by said institution and not required for use of said institution, and he shall keep an accurate account of all funds received from the sale of farm products, etc., as above stated, and also keep an accurate account of all moneys received from any other source, and he shall pay the same to the State Treasurer, taking his receipt for same. The State Treasurer shall keep a separate account of the amount received from the superintendent of said institution, and it shall be known as the "fund of the State Training School for Boys," and said fund shall be used and expended by the board of trustees for the purpose of purchasing additional land for said institution and for improving the buildings and the grounds of said institution, upon the approval of the Governor, and none of said funds shall ever be expended or drawn out of the Treasury except upon a voucher approved by the board of trustees, signed by the superintendent and the chairman and secretary of said board, and approved by the Governor. The superintendent of said institution shall pay over all funds in his hands derived from the above sources on the first day of January, April, July and October of each year, and he shall make a monthly report to the board of trustees of the amount of money so received and of the amount paid to the State Treasurer, giving an itemized statement of the funds, from whom received and for what purpose.

6. At the meeting of the board of trustees in January, April, July and October of each year, the superintendent shall make a report in duplicate in writing under oath, showing in detail the fiscal operations of the institution since the last report, giving under appropriate heads, the total number of inmates in the insti-

tution, at the date of the report; the number received since last report; the number discharged with such recommendations for the improvement of the management or other matters as he may deem proper. One of said reports shall be presented to the board of trustees and the other shall be forwarded to the Governor.

7. It shall be the duty of the superintendent to make supplementary reports in writing to the board of trustees of any matter within the scope of his duty when requested so to do by the chairman of the board or by the board itself.

8. The superintendent shall reside at the institution and he shall be held responsible for the strict enforcement of the provisions of this Act as well as the by-laws, rules and regulations and the written orders of the board of trustees and the Governor, and he shall see that all employes perform their duties as required by the board of trustees and to report such persons as fail to comply with the rules and regulations of said institution.

Sec. 5. The superintendent shall employ and dismiss for cause in writing to the board such subordinate officers, teachers, and employes as may be deemed requisite and necessary to the conduct, administration and maintenance of said institution up to the standard of efficiency and utility essential to accomplish the best results. Provided it shall be a violation of the rules and regulations of said institution for the superintendent to employ any one who uses intoxicating liquors. Provided, further, if the superintendent finds any employe using intoxicating liquors, the said employe shall be discharged immediately. Provided further, that the teachers in the school shall not be employed by the superintendent, and shall not be discharged by him, but he shall report any teacher who shall fail or refuse to comply with the rules and regulations, of said institution to the board of trustees of the public school, and said school board shall take action in the premises as they may deem advisable and for the best interest of the school.

Sec. 6. The superintendent shall under the advice and consent of the board of trustees, establish and maintain suitable instruction and training of inmates of said institu-

tion. Said institution shall include industrial training and agricultural training in all of its branches, providing that it shall be the duty of said board and superintendent to arrange that each inmate of said institution shall receive a reasonable amount of instruction in the industrial branches and agricultural branches each year, and each inmate shall be given definite instruction and training in some useful occupation. Each inmate shall be given such moral training and discipline as he is capable of receiving. The prime end to be sought by said board is to reform, educate and train the children committed to said institution, into industrious, useful, law-abiding citizens, strengthening their control and placing them in a moral environment that will build character and inculcate ideas of civic virtue and responsibility. Provided, further that the board of trustees and the superintendent shall provide that each inmate shall attend the public school at said institution at least six months of the year. The board of trustees and the superintendent shall work in harmony with the trustees of public school and shall arrange with said school trustees when said inmates shall be in school.

Sec. 7. The salary and compensation of all subordinate offices, teachers and employes as aforesaid shall be fixed by the board of trustees not to exceed the amounts appropriated for the same by the Legislature, and the same shall be prescribed by said board in the form of an itemized account sworn to by said superintendent and the same shall be paid monthly on the Comptroller's warrant based upon such sworn itemized account aforesaid. Said account shall contain the name and address of each person and the amount due and for what service. Provided that no account for salary shall be presented by said superintendent until the same has been fixed by said board as herein provided. The salary of superintendent shall be eighteen hundred dollars per annum. The superintendent shall receive eight hundred dollars additional for maintenance of himself and family, per annum, salary payable by the State, monthly. All subordinate officers, teachers and employes shall reside at the institution, and the board of trustees shall provide suitable build-

ings in which they shall live during the time they are so employed.

Sec. 8. There shall be confined in said State Training School for Boys, all persons confined in the State institution now known as the State Juvenile Training School at the time this law takes effect, and all persons committed to the State Training School for Boys and all persons who may be sentenced to a term in said State Juvenile Training School before this law takes effect, and their present status and terms of sentence shall not be affected by this Act; also all juveniles committed to said institution by any court within this State acting under authority of the law, provided that all inmates sentenced to the State Juvenile Training School shall only be required to serve out their unexpired terms in the institution to be known as the State Training School for Boys, at which time they shall be released.

Sec. 9. Hereafter all male persons under the age of seventeen years who shall be convicted of a felony or other delinquency in any court within this State, unless his sentence be suspended as provided by law, or otherwise disposed of, or unless of the length of the term for which he is sentenced, he is required under the law to be confined in the State penitentiary, shall be confined in the State Training School for Boys.

Sec. 10. The said board of trustees shall establish and maintain in said State Training School for Boys, a system of grading and promotion on a basis of the moral, intellectual and industrial advantages of the said children. When the superintendent is satisfied that any inmate has acquired sufficient self-control, moral habits and industrial efficiency and suitable employment under responsible, sober and moral persons can be found for the said inmate, he shall, with the approval of the board of trustees or the chairman thereof, grant said inmate a leave of probation for the purpose of securing homes and employment for the inmates of said State Training School for Boys, and of visiting and supervising them while on probation. A probation officer shall be employed who shall, when not engaged in his duties, as probation officer, assist in the general work of the institution under the direction of the superin-

tendent. When employment has been secured for any inmate, he shall be sent out on a parole with the condition that the person paroled and his employer shall send a written report at the end of each month thereafter for a period of twelve months, to the superintendent, stating the habits and demeanor of said paroled person. If each of said reports be favorable the superintendent shall recommend to the Governor that a full pardon be granted to the said paroled person and that his term of commitment be terminated. Upon the termination of the term of commitment by the Governor the paroled person shall be finally discharged with none of his legal rights impaired or abrogated. In the event any of said monthly reports shall be deemed unfavorable or for any reason be not sent as herein provided and the said superintendent should for any reason become convinced before the expiration of said twelve months that the said paroled person should be returned to the State Training School for Boys for further training or discipline, the said paroled person shall in that event forfeit his leave of probation, and he shall be returned to said institution. If his said employers shall fail or refuse to return said paroled person to said institution, it shall be the duty of the probation officer, any sheriff or other peace officer upon notice from the superintendent to take said paroled person into custody under the same condition as if said person were an escaped inmate and return him to said institution in the manner prescribed in the law for apprehending and returning escaped inmates. No inmate of said State Training School for Boys who shall be committed to said institution by a judgment of a district court after the conviction upon a charge of felony, shall be granted a leave of probation, parole or release before the expiration of the term for which he shall be so committed, unless the same be recommended by the superintendent and a majority of the board of trustees and is approved by the Governor. In case any such inmate convicted of a felony or other delinquency is granted a leave of probation as herein provided, the procedure shall be taken as herein provided for inmates not confined on a judgment of felony.

Provided that the Governor shall at all times have full power to grant a pardon or unconditional pardon or commute sentence of any inmate committed to said institution.

Sec. 11. No commitments to the State Training School for Boys shall be upon the indeterminate sentence plan. Provided that no inmate shall be committed to said institution for a longer period than five years. Provided that no inmate shall remain or be detained in said institution or upon parole under the control of the officers of said institution after he has reached the age of twenty-one years.

Sec. 12. The superintendent shall divide inmates into such classes and shall house, feed and train such inmates in such manner as he may deem best for the development and advancement of said inmates.

Sec. 13. All inmates of said institution shall be provided with shelter, wholesome food and suitable clothing, books, means of healthful recreation and other material necessary for their training at the expenses of the State, except as otherwise provided by law.

Sec. 14. If any inmate confined in the said State Training School for Boys shall escape therefrom, or if on leave on probation or parole, and is ordered returned and the employer of said paroled person shall fail or refuse to return him as provided in this Act, it shall be the duty of the superintendent of said institution or any officer or employee of the same or the sheriff or any peace officer to apprehend and detain him. It shall be lawful for any person to apprehend such escaped inmate and forthwith deliver him to any sheriff or peace officer. Any such escaped inmate shall be returned to said institution by any sheriff, peace officer, or probation officer, and the cost of his return shall be paid by the county from which said inmate was sentenced. Provided, if any inmate committed to said institution on the charge of felony shall escape, the cost of his return to said institution shall be paid by the State on warrant of the Comptroller, based upon a sworn itemized statement of said expense account to be first presented to the board of trustees and approved by

said superintendent and board of trustees. Provided, further, that the board of trustees may offer a reward of any amount not to exceed five (\$5.00) dollars for the apprehension and return to said institution of any escaped inmate; said amount to be paid by the State on warrant of the Comptroller, based upon a voucher duly approved by the superintendent and board of trustees.

Sec. 15. Corporal punishment in any form shall not be inflicted upon the inmates of said institution except as a last resort, to maintain discipline, and then only in the presence of the superintendent and the chaplain of said institution, and at no time shall any inmate be struck more than fifteen times, and then only with such instrument, and in such manner as will inflict reasonable and moderate punishment, considering the age, size and strength of the culprit and the strength of the person appointed by the superintendent to inflict such punishment; and at no time shall any weapon or instrument of torture be used or any instrument which by its make, coupled with the manner of its use, would be calculated to inflict bodily injury. Any one violating the provisions of this section shall be guilty of a misdemeanor, and upon conviction shall be fined not less than twenty-five (\$25.00) dollars nor more than one hundred (\$100.00) dollars for each and every offense, and it shall be the duty of the superintendent to make a written statement to the board of trustees at each meeting of said board giving the name, the age and the offense for which the said punishment was inflicted, and said board of trustees shall make a thorough investigation of same, and if they find upon said investigation, that said punishment should not have been inflicted, then they shall make such recommendation to the superintendent as regards inflicting punishment to the inmates as they may deem advisable, and if the superintendent fails to carry out the instruction of said board of trustees as regards inflicting punishment to inmates, the said board of trustees shall immediately discharge him. No employe of said institution shall be permitted to curse or abuse any in-

mate of said institution, and in the event any employe shall be guilty of such conduct, the superintendent shall immediately discharge him.

Sec. 16. The board of trustees shall provide for religious services at said institution for the benefit of the inmates thereof, and to that end shall employ a chaplain who shall be an ordained minister of the gospel, and the superintendent shall require all inmates in said institution who are physically able to attend at least one religious service on each Sunday, and such chaplain shall, under the direction of the superintendent, devote his entire time to the religious and moral training and education of said inmates, and to visit the sick inmates at such times and occasions as may be necessary, and the chaplain shall be a married man and shall live at the institution, and he and his wife shall receive a salary of eight hundred (\$800.00) per annum, to be paid by the State as other employes, and the wife of said chaplain shall assist him in the discharge of his duties and give as much of her time to the religious service and training of said inmates as possible. The board of trustees shall provide a home for the chaplain and his wife on the grounds of the institution. Provided, such chaplain and his wife shall perform such other duties as may be required of them by the board of trustees and the superintendent.

Sec. 17. It shall be a violation of the rules of said institution for any officer or employe to use tobacco or intoxicating liquors while on duty, and should any officer, employe or teacher be guilty of violation of this rule, it shall be the duty of the superintendent to discharge such officer, employe or teacher immediately.

Sec. 18. All trade teachers, field instructors, engineer, tailor, cook and baker, carpenter, blacksmith, laundryman, dairyman, live stockman, who shall be employed by the superintendent shall have had five years experience in his trade or profession and shall possess special fitness for instructing the inmates and each one of said instructors shall make it his or her special business to instruct the boys in his department how to do the work in that department.

Any one failing to comply with these regulations shall be discharged by the superintendent immediately, and the board of trustees shall see that the superintendent enforces this section.

Sec. 19. The State Board of Education having heretofore established an independent school district at said institution and the State Superintendent of Public Instruction having heretofore appointed three trustees to manage said school as required by Article 2733-2734 of the Revised Statutes of the State of Texas of 1911. Said trustees as appointed by the State Superintendent of Public Instruction shall have the exclusive management and control of the public school at said institution under the supervision of the said State Superintendent of Public Instruction. The said board of school trustees shall employ a principal and such other teachers as may be necessary for said school, and it shall be the duty of said school trustees to see that the boys have the benefit of a literary education as required by the school laws of the State of Texas. And it shall be the duty of the State Superintendent of Public Instruction to make such rules and regulations for the public school at said institution as he may think best, and he shall from time to time give such instruction to the trustees of said school as he may think best, and in the event said trustees fail or refuse to carry out the instructions of the State Superintendent of Public Instruction, he shall remove them from office immediately and appoint some one to take their place as required by Article 2734 of the Revised Statutes of the State of Texas of 1911. And if any of the trustees of any independent school district in the State of Texas shall at any time fail or refuse to carry out any of the instructions given said trustees by the State Superintendent of Public Instruction as regards the school in their district, then the State Superintendent of Public Instruction shall have the power and he is hereby authorized to withhold the public funds to which said district would be entitled until such time as the trustees of said district shall comply with the instructions given them as regards the school in their district by

the State Superintendent of Public Instruction.

Sec. 20. Any person or persons who shall be permitted to visit the State Training School for Boys, or the State Orphans Home, or any State Institution in this State, or any person or persons who shall go into or near any of the institutions herein mentioned, and shall persuade, induce, entice, arrange, assist, in any manner, any of the inmates of said institutions to leave, run away, or escape in any manner, from said institution, shall be guilty of a misdemeanor and upon conviction in any court of competent jurisdiction within this State, shall be punished by a fine of not less than twenty-five (\$25.00) dollars, nor more than two hundred (\$200.00) dollars, for each and every offense.

Sec. 21. The fact that the law in this State providing for the appointment of members of the board of this institution and for the election of a superintendent, and for the appointment of employees of said institution is very defective, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days, be suspended and that this Act take effect and be in force from and after its passage, and that all laws or parts of laws in conflict herewith, are hereby repealed and this shall constitute the law governing the State Training School for Boys, now located at Gatesville, Coryell County, Texas.

Committee Room,

Austin, Texas, March 21, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate Bill No. 183 and find it correctly enrolled, and have this day at 4:00 o'clock p. m. presented same to the Governor for his approval.

SMITH, Chairman.

By Lattimore, Bee,
McCollum.

S. B. No. 183.

An Act authorizing the incorporation by those engaged in agricultural pursuits of Farmers' Co-operative Societies; defining the character of their business, purpose and locality of such corporations; providing the method by which such

corporations may be chartered; fixing the charter fees therefor and exempting them from the payment of franchise taxes; declaring that certified copies of the charters, amendments and by-laws of such corporations shall be filed with the county clerk of the county in which such societies are located; defining the character of reports that must be made by such corporations; fixing the minimum amount of property which such corporations must own and regulating the membership and the membership certificates of such corporations; authorizing such corporations to borrow money, to discount notes in a limited amount; authorizing them to loan money to their members only; empowering them to act as the selling and purchasing agents of their members in the sale of agricultural products and the purchase of machinery, supplies and insurance for their members; giving such corporations authority to own and operate such machinery and instrumentalities as may be necessary in the production, harvesting and preparation for market of farm and ranch products; fixing the rights of members of such societies; limiting the liability of members of such corporations and authorizing them to provide for an additional liability; providing for appropriate forms for making this Act effective; conferring certain powers and authority upon and fixing certain duties for the Secretary of State and the Attorney General, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section. 1. That private corporations may hereafter be incorporated for the purpose of enabling those engaged in agricultural pursuits to co-operate with each other for the purposes named in this Act. Only those engaged in agricultural pursuits can become incorporators of or members of societies chartered under this Act.

Each corporation chartered hereunder shall contain as a part of its name these words, "Farmers Co-Operative Society." No. 1. Provided, persons not engaged in agricultural pursuits may be permitted to contribute an amount not in excess of

one-third the outstanding working capital of the society.

Sec. 2. Corporations chartered hereunder shall be purely local in their character, shall confine their activities, business operations and membership to the community in which they are located, and in no event to extend beyond the territory surrounding the town, village or city designated as the place of business of the corporation, provided that no public funds appropriated to any department of State government, or to any State institution shall be used in organizing any societies or corporations mentioned in this Act. Provided, that corporations incorporated hereunder may join with other corporations incorporated under this act in establishing and maintaining joint agencies for the accomplishment of the purposes for which they are incorporated.

Sec. 3. Those desiring to form corporations hereunder shall, in the exercise of the rights herein granted and subject to the limitations herein provided, prepare and file their charters under the General Corporation Laws of this State, which said corporation laws shall govern them except where in conflict with the provisions of this Act, and then in such instances this Act shall govern.

Sec. 4. The Secretary of State shall, instead of the statutory fees charged for filing charters, charge for filing charters and amendments to charters of corporations incorporated hereunder the sum of ten dollars for each charter and amendment thereof. Charters, amendments to charters and all by-laws must be filed in the office of the Secretary of State, and must first before being filed be approved by the Attorney General. Copies of the charter and by-laws properly certified to by the Secretary of State shall also be filed in the office of the county clerk of the county in which is located any society which is incorporated hereunder, but need not be recorded by the county clerk, but shall be kept by him subject to inspection of any person interested. The Secretary of State shall, in furnishing the corporation certified copies of charters, amendments and by-laws, furnish to the society two certified copies of each, one for the files of the society and one to be

filed in the office of the county clerk.

Sec. 5. Corporations chartered hereunder shall be purely co-operative, and not for profit, and shall not be required to pay any annual franchise tax, but shall nevertheless make a statement of their assets and liabilities to the Secretary of State, showing the condition of their affairs, in such form as may be prepared for the Secretary of State by the Attorney General. Such societies may, by their directors in accordance with their by-laws pass their profits to the surplus fund or divide the same among the members of the society in proportion to the respective contributions in cash to the working capital of the corporation, and patronage of their members.

Sec. 6. Corporations chartered hereunder shall have property of not less than five hundred dollars in value, which may be cash, property or notes acceptable to the board of directors; provided, however, that no membership certificates shall be issued for subscriptions in the form of notes until such notes have been paid in full, principal and interest, and the holders of membership certificates for which cash or property has not been paid, while entitled to vote in the management of the affairs of the corporations, shall not be entitled to share in its dividends nor in a distribution of any assets until such notes are paid in full; however, they may become borrowers from the corporation under the provisions of this Act and the by-laws adopted hereunder. Such notes shall be construed to be valid subscription contracts, and shall be the property of the corporations chartered hereunder for any and all purposes.

Sec. 7. Corporations chartered under this Act shall have authority to borrow money and discount notes to an aggregate amount not in excess of five times the working capital of the corporation; such corporations shall have the right to loan their funds to members only upon such terms and such security, if any, as may be provided in their by-laws; they shall also have the right to act as the co-operative selling and purchasing agents of their members only and may for their members sell any and all agricultural products, and for

their members purchase machinery and all supplies of any kind or character; including the purchase of fire, live stock, hail, cyclone and storm insurance for its members. In the event of purchasing insurance for its members, however, the corporation shall have authority to be, and shall be appointed and licensed as the agent of the insurance companies, and the commissions so received by it shall be a part of the corporate funds of the company; they shall also have authority to own and operate such machinery and instrumentalities as may be necessary in the production, harvesting and preparation for market of farm and ranch products.

Sec. 8. Membership in societies incorporated under this Act can be obtained only by election thereto at the time of the organization of the society by the organizers thereof, or by the board of directors of such society when organized under such rules and limitations as may be made in the by-laws. Members shall each have one vote only in the management of the affairs of the corporation. Members may be suspended or expelled for misconduct under such rules and regulations as may be prescribed in the by-laws. In case of expulsion the society shall return to the member at such time as may be fixed in its by-laws an amount equal to the money value of the amount contributed by such member to the working capital of the society.

Sec. 9. Membership certificates shall not be transferable, but members shall have the right of withdrawal under such rules and regulations as may be adopted by the society in its by-laws. In case of withdrawal the society may return to the member an amount equal to the money value of the amount contributed by him to the working capital of the society.

Sec. 10. Unless otherwise provided, the members of a corporation chartered hereunder shall not be responsible to the corporation, or to its creditors, in excess of the membership shares subscribed by them, and when such shares are paid for their liability shall cease; provided, however, that the association may, in its by-laws make each member responsible for an additional amount equal to 100 per cent of the shares owned by a member, payable upon assessment

of the board of directors for the payment of the debts and obligations of the corporation; and may provide in like manner that members may waive their right to claim personal property exempt from seizure for debt as against debts and obligations due to the society, but in all such instances such liability must be plainly provided for in the by-laws, which by-laws in this and all other instances must be signed by the member.

Sec. 11. Appropriate forms of charter, charter amendments, by-laws, rules and regulations and annual reports to the members, and such other forms as may be necessary to make this Act effective shall be prepared by the Attorney General

of the State and filed with the Secretary of State, who shall cause same together with a copy of this Act to be published and distributed among the citizens of the State who may be interested.

Sec. 12. The importance of this measure and the demand and necessity therefor and the fact that the calendar of this session of the Legislature is in a crowded condition, creates an emergency and an imperative public necessity which requires that the constitutional rule providing that bills shall be read on three several days shall be suspended, and the same is hereby suspended, and this Act take effect and be in force from and after its passage, and it is so enacted.